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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 square kilometres. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Falkland Islands (Malvinas) was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas).

II. Constitutional and political developments

2. The Constitution approved in 2008 came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846). Members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Each member takes responsibility for a particular portfolio and works closely with the relevant departments. Members do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

3. The last general elections were held for all eight members of the Legislative Assembly on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010.

4. As previously reported, regarding the constitutional reform process in 2008, Argentina protested against what it termed "a unilateral act" carried out by the United Kingdom in "disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization" and in "violation of the spirit of the provisional understandings under the sovereignty formula" reached by Argentina and the United Kingdom (see A/63/542, annex I). With reference to Argentina's protest, the United Kingdom rejected the assertion that the Falkland Islands Constitution Order 2008 was contrary

to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions (see A/63/589).

5. In recent years, Argentina and the United Kingdom reiterated their respective positions regarding the various aspects of the sovereignty dispute. That included the issuance of press releases by Argentina on 10 June 2010 in connection with the observance of the "Day of Affirmation of Argentine rights over the Malvinas Islands" and other areas, and on 3 January 2011 "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom", and written démarches by the United Kingdom before the United Nations rejecting territorial and other claims made by Argentina.

6. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

7. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2010/2011, the approved estimate for total revenue was £42.3 million, of which £13 million was estimated to come from fisheries, £5 million from investment income, £10.8 million from taxation and £5.7 million from public works. During the same period, the revised estimate for expenditure was £43.3 million.[1]

IV. Economic conditions

A. General

8. According to the administering Power, the gross domestic product (GDP) of the Islands was estimated to be about £104 million in 2009. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (about 53 per cent of GDP), and the tourism sector has witnessed growth. The Territory's stated aim is to ensure a diverse and sustainable economy for the future, and work is being done in partnership with the private sector to develop a long-term economic development strategy. The latest Islands Plan (2009-2013) outlines a vision for improved financial management, quality of life and communications while aiming at ensuring a sustainable economy.

B. Fisheries

9. Loligo and Illex squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable whereas Illex catches have declined. In addition to those two squid species, a number of finfish are targeted, including southern blue whiting, hake and hoki. According to the administering Power, the Fisheries Department is responsible for administering the fisheries sector in the Territory. Media reports indicated that the Territory was exploring the building of a new port to facilitate the trans-shipment of catches.

[1] Information provided by the administering Power on 7 January 2011.

C. Tourism

10. Tourism is a significant contributor to the Territory's economy, valued at approximately £6.1 million per annum. According to the administering Power, there has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average annual growth rate in visitor arrivals of 5 per cent since the 2000/2001 season. In 2009/2010, approximately 67,000 tourists, largely from cruise ships, visited the Territory. The Tourist Board predicts that annual tourist arrivals will approach 80,000 by 2015 if strong growth continues.

D. Agriculture, land tenure and livestock

11. As previously reported, the most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. According to the administering Power, 1.6 million kilograms of wool were exported from the Islands in 2009, and 37,000 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing 10-year plan in support of agriculture.

E. Transport, communications and utilities

12. The Territory has concluded an extensive road-building programme involving the construction of a road network of approximately 1,000 kilometres to connect outlying settlements and farms. Work continued in upgrading the latter and allocated £850,000 to capital funding in 2010/11. In addition to roads, a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands, and local air services ensure communications.

13. In 2010, the LanChile Airline continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos on mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, under the Exchange of Notes Agreement of 23 February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. Additional information can be found in the previous working paper (A/AC.109/2010/15, sect. V.E).

14. In response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), in February 2010 Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, Argentina and other countries, as well as the Ibero-American Summit of Heads of State and Government, the Latin America and Caribbean Summit, the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR), recalled that the General Assembly, in resolution 31/49 of 1 December 1976, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. For more information, see documents A/64/653, A/64/711, A/64/717, A/64/781, A/64/844, A/65/530 and A/65/637.

15. For its part, as set out in a letter circulated as a General Assembly document in May 2010, the United Kingdom considered, inter alia, that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea (see A/64/787). Additional information can be found in documents A/64/813, A/64/887 and A/65/639.

16. Concerning communications, the introduction of Island-wide rural broadband access has improved the situation within and outside the Territory. There are well over 1,000 computers in the Territory. In 2010, approximately 75 per cent of households were connected to broadband Internet, while 248 computers used a dial-up connection. Some 4,000 mobile and 1,984 fixed-line telephones operate within the resident population. However, according to media reports, local businesses are struggling with an at times unreliable Internet service supplied by a private company.

17. The Territory's first major wind farm became operational in 2007 and had been meeting 25 per cent of urban electricity needs. By November 2010, over 11,300,000 units of electricity had been generated by the turbines. The capacity of the wind farm has been doubled, with the expectation that 40 per cent of the Territory's urban electricity use will be met from wind power as a result. On a smaller scale, wind turbines provide power to homesteads and small settlements throughout the Islands.

F. Environment and hydrocarbons

18. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties. In 2010, the Territory adopted a second plan of action to reduce seabird mortality owing to trawling activity, based on work carried out since 2004 by the Territory's Albatross and Petrel Programme. For its part, Argentina rejects the territorial application of those treaties by the United Kingdom on the grounds that the Falkland Islands (Malvinas), along with the surrounding maritime areas, were an integral part of Argentina.

19. According to the administering Power, traces of hydrocarbons were found in exploration wells in offshore waters to the north of the Islands since 1998, but no commercial discovery was made. Further, additional explorations commenced in February 2010 under licences issued by the Territory, which receives direct revenue in taxation from the hydrocarbons industry. In the event that a commercial oil discovery was made, any offshore production activity would be developed with a view to keeping onerous socio-economic, health, safety and environmental impacts to a minimum. The Territory had funded assessments by such institutions as the Institute of Environmental Management and Assessment (IEMA) and the Scottish Association for Marine Science (SAMS), and had sought the expertise of the Health and Safety Executive of the United Kingdom's Department of Energy and Climate Change, and the British Geological Survey to regulate the environmental impacts and health and safety of offshore hydrocarbons exploration.

20. In February 2010, the Government of Argentina submitted a note of protest to the United Kingdom firmly rejecting "the British attempt to authorize the carrying out of hydrocarbon exploration and exploitation activities in the area of the Argentine continental shelf" around the Territory (see A/64/653, annex), and adopted a number of measures "in response to the British actions", including "rules allowing it to penalize companies that engage directly or indirectly in oil and gas exploration or exploitation without the relevant permits issued by the competent

Argentine authorities" (see A/64/711, annex). In addition, on 24 February 2010, the then Argentine Foreign Minister, Jorge Taiana, called on the Secretary-General in the context of his good offices. The Secretary-General took note of Argentina's concerns and expressed satisfaction at its commitment to resolve the dispute in a peaceful manner. Additional information can be found in the preceding section, and below.

V. Social conditions

A. General

21. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments have been extended to the Falkland Islands (Malvinas) by the administering Power. Information for 2010 concerning the United Kingdom's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/722.

22. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of those various instruments, as well as the designation of the Territory as an Overseas Territory of the United Kingdom or any other similar designation. Information for 2010 on Argentina's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/626.

B. Public health

23. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. The majority of medical and dental treatment and prescription drugs are free to all residents under a reciprocal health agreement.

C. Social security and welfare

24. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. The Falkland Islands Pension Scheme Ordinance 1997 provides for a national defined-contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions during their working lives, under employer-employee agreements or voluntarily, and receive a pension upon retirement. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

25. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, the Government provides

for a total of approximately 400 schoolchildren. In 2010, a new vocational training centre was opened to manage an apprenticeship programme and provide other training in key skills, including for school leavers who are not going straight into employment, and further education such as courses in bookkeeping and supervisory management.

26. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2010 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/65/67, sect. II.B).

VI. Mine clearance and related matters

27. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

28. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided to grant the United Kingdom an extension until 1 March 2019, and the United Kingdom decided to proceed with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A follow-up phase of clearance was expected to start before the end of 2011 and be completed during 2012.[1]

29. Further, as previously reported, the Second Review Conference of the Ottawa Convention agreed in December 2009 to grant Argentina's request for an extension until 1 January 2020. At the Tenth Meeting of States Parties to the Ottawa Convention, held in Geneva from 29 November to 3 December 2010, Argentina stated that mine-clearing planning would be implemented as soon as it exercised control over the areas in question or when both Argentina and the United Kingdom reached agreement over making progress in such planning (see APLC/MSP.10/2010/WP.8*).

30. On a separate matter, according to information provided, on 9 October 2010 Argentina submitted a letter of protest to the United Kingdom rejecting that country's intent to fire missiles from the Territory as "an unacceptable provocation conducive to an arms race in the region, which is in direct contradiction to the Argentine policy of consistently seeking a peaceful solution to the dispute" (see A/65/504, annex).

31. The same month, the United Kingdom stated that test firing of anti-aircraft missiles in the area had happened approximately every six months for 28 years since they were deployed. The live firing in October 2010 was therefore considered routine and did not represent any change. Further information on the subject can be found in documents A/65/539 and A/65/689.

32. In that connection, Argentina replied that "the United Kingdom clearly admits to having repeatedly and deliberately violated its obligations deriving from the relevant international instruments in the context of the International Maritime Organization (IMO)" (A/65/553, annex). Argentina and other countries, as well as

the Ibero-American Summit, MERCOSUR, the Rio Group and UNASUR, stated, inter alia, that the firing of missiles from the Territory violated General Assembly resolution 31/49 and obstructed the full implementation of the maritime safety standards of IMO. The IMO Maritime Safety Committee took up the subject at its eighty-eighth session on 29 November 2010 and urged Member States to continue to comply with the relevant requirements and recommendations on the safety of navigation (see MSC 88/26). Additional information on the subject can be found in documents A/65/523, A/65/527, A/65/623 and A/65/689.

VII. Participation in international organizations and arrangements

33. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Also, representatives of the Government participate, as members of the United Kingdom delegation, in discussions on various matters affecting their interests. In November 2010, the Falkland Islands (Malvinas) and Saint Helena established the South Atlantic Territories Cooperation Forum to work together on common projects in areas such as procurement, health, transportation links, climate change, agriculture, tourism, public works, conservation and public sector workforce development.

VIII. Consideration by intergovernmental organizations and forums

34. As previously reported, the Treaty of Lisbon came into force on 1 December 2009, amending the Treaty on European Union and the Treaty establishing the European Community. In 2010, the High Representative of the European Union recalled, in the context of the European Union-Latin America and Caribbean Summit (Madrid, 18 May 2010), the position that the "Falkland Islands are associated with the European Union as an overseas territory of the United Kingdom in accordance with articles 198/204 of Part Four of the Treaty on the Functioning of the European Union" (see EU press release No. A 80/10). Information on the general position of Argentina and the United Kingdom can be found in previous working papers and in documents A/64/612, A/64/672 and A/64/879.

35. During meetings held in 2010, intergovernmental entities, including regional and subregional organizations such as the Latin American and Caribbean Heads of State and Government Summit (Riviera Maya, Mexico, 23 February 2010); the General Assembly of the Organization of American States (Lima, 4 June 2010); the Southern Common Market (San Juan, 3 August 2010; Foz do Iguaçu, 17 December 2010); the Union of South American Nations (Cardales, Argentina, 4 May 2010; Quito, Ecuador, 12 October 2010; and Georgetown, Guyana, 26 November 2010); the Rio Group (Santiago, Chile, 15 October 2010); and the Ibero-American Summit (Mar del Plata, Argentina, 4 December 2010), addressed the question of the Falkland Islands (Malvinas) and reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to that long-standing

dispute. Some of those organizations also rejected the United Kingdom's aforementioned hydrocarbon- and missile-related activities.

36. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations, with the exception of the European Union, nor has it been represented at any of the aforementioned meetings, with the exception of the Organization of American States, where the United Kingdom has observer status. Further information on this matter can be found in section X below.

IX. Future status of the Territory

A. Position of the administering Power

37. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 24 September 2010 (see also paras. 39 and 40 below), the United Kingdom reiterated its established position that there could be "no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish" and that the principle of self-determination "underlies our position on the Falkland Islands". Further, the United Kingdom indicated that "the Falkland Islands Government is entitled to develop a hydrocarbons industry within its own waters", and it had noted that "the Government of the Republic of Argentina has announced plans for hydrocarbons exploration in the South Atlantic. Both the Falkland Islands Government and the Government of the Republic of Argentina have environmental responsibilities related to their exploration. The Falkland Islands Government takes its responsibilities very seriously" (see A/65/513, annex).

38. According to information provided by the administering Power, in the annual message to the Territory for 2011, the Prime Minister of the United Kingdom, David Cameron, restated the commitment of the United Kingdom to the Islanders, adding: "It is in all our interests that we maintain a constructive working relationship with Argentina. And we will continue to do so. At the G-20 and on tackling climate change, there is common ground to be found. But let me reassure you, we will stand resolutely beside you on any question of sovereignty."[1]

B. Position of the Government of Argentina

39. As reflected in the official record of the 14th plenary meeting of the sixty-fifth session of the General Assembly on 24 September 2010 (A/65/PV.14), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly, inter alia, claimed "respect for our sovereign rights over the Malvinas Islands". According to the President, the United Kingdom had refused to implement the General Assembly resolutions calling for negotiations with the Argentine Republic on the question of sovereignty. Further, she noted that "unilateral decisions" had been taken by the United Kingdom to exploit hydrocarbon resources on the Islands, which constituted a "depredation of natural resources that belong to us" and entailed "the risk of ecological catastrophe".

40. The President of Argentina concluded by expressing the belief that, with regard to the question at hand, the United Kingdom could "do as it likes" as no one

was compelling it to implement the decisions of the General Assembly, because it was a permanent member of the Security Council and an important member of the North Atlantic Treaty Organization. "In a world of double standards — where only the developing and extremely weak countries are compelled to abide by the international legal order while those who can systematically violate it do so — it is not possible to build peace, let alone maintain international security, because such situations end up creating the kind of insurmountable disputes and differences we see every day" (A/65/PV.14).

41. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

42. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 9th and 10th meetings, on 24 and 25 June 2010 respectively, as reflected in the relevant meeting records (A/AC.109/2010/SR.9 and 10). At its 9th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

43. Also at the 9th meeting, statements by Ms. Edwards and Mr. Short from the Legislative Assembly of the Falkland Islands (Malvinas) were heard. Mr. Clifton, Mr. Betts and Mr. Gleadell also made statements.

44. At the same meeting, the representative of Chile introduced, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), draft resolution A/AC.109/2010/L.15, which the Special Committee adopted without a vote at its 9th meeting. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

45. The Foreign Minister of Argentina, Héctor Timerman, made a statement at the 9th meeting of the Special Committee on 24 June 2010. As reflected in the meeting's summary record, the Foreign Minister, inter alia, reiterated the "Argentine Republic's inalienable and imprescriptible sovereign rights over the Malvinas Islands, South Sandwich Islands and South Georgia Islands and the surrounding maritime areas". With its adoption of resolution 2065 (XX) in 1965, the General Assembly had interpreted resolution 1514 (XV) and applied it specifically to the sovereignty dispute, inviting Argentina and the United Kingdom to negotiate a peaceful solution. He went on to say that the right of self-determination did not apply: there was a colonial situation, but no colonized people. The United Kingdom's suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to resolution 1514 (XV). Argentina had reiterated at every opportunity its willingness to negotiate in

order to comply with its obligation to settle the dispute and was not opposed to cooperating with the United Kingdom in practical aspects arising from the current situation in the South Atlantic (see A/AC.109/2010/SR.9, paras. 30, 31, 33 and 35).

46. In the Foreign Minister's view, the situation in the South Atlantic had been worsened by the United Kingdom's unilateral decision to prospect for oil with a view to eventually exploiting the non-renewable natural resources of the Argentine continental shelf in the waters around the Islands. That contravened General Assembly resolution 31/49 and ignored the clear opposition expressed unanimously by the countries of Latin America and the Caribbean. Additionally, there was some concern in the region over the United Kingdom's large military presence in the Territory and the, in the speaker's view, "militaristic" statements made by the British Government, including by its representatives on the Islands (see A/AC.109/2010/ SR.9, para. 37).

47. At the 9th and 10th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, El Salvador, Guatemala, Indonesia, Mali, Mexico (as host country of the first Latin American and Caribbean Unity Summit), Nicaragua, Papua New Guinea, Paraguay, Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Tunisia, Uruguay (on behalf of the States members of the Southern Common Market (MERCOSUR) and associated States) and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas).

48. On 10 December 2010, the United Kingdom transmitted for circulation as a document of the General Assembly a letter dated 7 December 2010 from the "Office of the Legislative Assembly" addressed to the Chairman of the Special Committee, Donatus Keith St. Aimee, Permanent Representative of Saint Lucia, inviting him to visit the Territory (see A/65/617).

49. In that connection, by a letter of 4 January 2011 (A/65/683), Argentina rejected in its entirety the communication from the United Kingdom (A/65/617), stating, inter alia, that the United Kingdom was "violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom".

B. Special Political and Decolonization Committee (Fourth Committee)

50. On 4, 8 and 11 October 2010, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-fifth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of) referred to the question of the Falkland Islands (Malvinas), as reflected in the meeting records (A/C.4/65/SR.2, A/C.4/65/SR.6 and A/C.4/65/SR.7).

51. On 4 October, the representative of Brazil, speaking on behalf of MERCOSUR, the State party in the process of accession, Venezuela (Bolivarian Republic of), and the associated States of Bolivia (Plurinational State of), Chile,

Colombia, Ecuador and Peru, reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". The only way to end the dispute was through a peaceful negotiated solution. Furthermore, in the Special Declaration on Exploration of Non-renewable Natural Resources on the Argentine Continental Shelf of 3 August 2010, the Presidents of the States parties of MERCOSUR and associated States had rejected the exploration of non-renewable natural resources being carried out by the United Kingdom on the Argentine continental shelf, in violation of General Assembly resolution 31/49, and undertook to refrain from facilitating the activities of ships intended to provide support to activities involving drilling for hydrocarbons that would affect the rights of the Argentine Republic (see A/C.4/65/SR.2, paras. 16 and 17).

52. Also, speaking on behalf of the Rio Group, the representative of Chile reaffirmed the Group's commitment to eradicating colonialism and called upon the Governments of Argentina and the United Kingdom to resume their negotiations in order to find a peaceful, just and definitive solution to the sovereignty dispute. The Rio Group reiterated the Declaration and Special Communiqué on the exploration for fossil fuels on the continental shelf around the Islands, adopted by the Heads of State and Government of Latin America and the Caribbean gathered at the Unity Summit held in Mexico on 22 and 23 February 2010 (see A/C.4/65/SR.2, paras. 19 and 21).

53. In addition, the Permanent Representative of Argentina stated his Government's position, which had been generally reflected earlier in the year in Argentina's contribution to the Secretary-General's report entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). In his intervention on 4 October, the Permanent Representative said, inter alia, that his country had always been a firm defender of the right of peoples to self-determination. It could therefore not countenance the distortion of the principle of self-determination to justify the continued existence of a colonial sovereignty dispute that had breached the territorial integrity of Argentina since 1833. Successive General Assembly and Special Committee resolutions had recognized the colonial situation there as special and particular, to be resolved through negotiations between the two parties in the interests of the population of the Islands (see A/C.4/65/SR.2, para. 37).

54. Speaking in exercise of the right of reply, the representative of the United Kingdom reiterated his Government's position on 4, 8 and 11 October 2010, which had been reflected earlier in the year in its contribution to the Secretary-General's report (A/65/330, annex I), that it had no doubts about its sovereignty over the Territory (A/C.4/65/SR.2, para. 56). The United Kingdom also stated, inter alia, that the "democratically elected representatives" of the Territory who had addressed the Special Committee in 2010 wished the status of the Islands to remain unchanged.

55. Speaking in exercise of the right of reply, the representative of Argentina stated his Government's position on 4, 8 and 11 October that "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine territory". He further stated, inter alia, that his Government had reiterated at every opportunity its willingness to negotiate; it was now for the United Kingdom to fulfil its obligation to try to reach a settlement that would end the dispute (see A/C.4/65/SR.2, paras. 57 and 37).

C. Action taken by the General Assembly

56. Under resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.

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Falkland Islands (Malvinas)**

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, as well as hundreds of smaller islands, and a total area of about 12,173 square kilometres. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Falkland Islands (Malvinas) was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), representing the largest population since 1931.

II. Constitutional and political developments

2. The Constitution approved in 2008 came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846). Members of the legislature elect a Speaker to preside over sittings of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Each member takes responsibility for a particular portfolio and works closely with the relevant departments. Members do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually fron their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.

3. The last general elections were held for all eight members of the Legislative Assembly on 5 November 2009, five from the Territory's urban constituency (Stanley) and three from the Camp (i.e., outside the Territory's only town), for a four-year term. The current Governor, Nigel Haywood, took up his appointment in October 2010.

4. As previously reported, regarding the constitutional reform process in 2008, Argentina protested against what it termed "a unilateral act" carried out by the United Kingdom in "disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization" and in "violation of the spirit of the provisional understandings under the sovereignty formula" reached by Argentina and the United Kingdom (see

Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in public sources.

A/63/542, annex I). With reference to Argentina's protest, the United Kingdom rejected the assertion that the Falkland Islands Constitution Order 2008 was contrary to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions (see A/63/589).

5. In recent years, Argentina and the United Kingdom reiterated their respective positions regarding the various aspects of the sovereignty dispute. That included the issuance of press releases by Argentina on 10 June 2010 in connection with the observance of the "Day of Affirmation of Argentine rights over the Malvinas Islands" and other areas, and on 3 January 2011 "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom", and written démarches by the United Kingdom before the United Nations rejecting territorial and other claims made by Argentina.

6. Additional information on the positions of the administering Power and the Government of Argentina can be found below.

III. Budget

7. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2010/2011, the approved estimate for total revenue was £42.3 million, of which £13 million was estimated to come from fisheries, £5 million from investment income, £10.8 million from taxation and £5.7 million from public works. During the same period, the revised estimate for expenditure was £43.3 million.[1]

IV. Economic conditions

A. General

8. According to the administering Power, the gross domestic product (GDP) of the Islands was estimated to be about £104 million in 2009. Increasing revenue from corporation tax indicates a growing private sector. The fishing industry remains the most important sector of the economy (about 53 per cent of GDP), and the tourism sector has witnessed growth. The Territory's stated aim is to ensure a diverse and sustainable economy for the future, and work is being done in partnership with the private sector to develop a long-term economic development strategy. The latest Islands Plan (2009-2013) outlines a vision for improved financial management, quality of life and communications while aiming at ensuring a sustainable economy.

B. Fisheries

9. Loligo and Illex squid are the mainstay of the fisheries and economy of the Territory. In recent years, Loligo catches have been relatively stable whereas Illex catches have declined. In addition to those two squid species, a number of finfish are targeted, including southern blue whiting, hake and hoki. According to the administering Power, the Fisheries Department is responsible for administering the

[1] Information provided by the administering Power on 7 January 2011.

fisheries sector in the Territory. Media reports indicated that the Territory was exploring the building of a new port to facilitate the trans-shipment of catches.

C. Tourism

10. Tourism is a significant contributor to the Territory's economy, valued at approximately £6.1 million per annum. According to the administering Power, there has been a measurable expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average annual growth rate in visitor arrivals of 5 per cent since the 2000/2001 season. In 2009/2010, approximately 67,000 tourists, largely from cruise ships, visited the Territory. The Tourist Board predicts that annual tourist arrivals will approach 80,000 by 2015 if strong growth continues.

D. Agriculture, land tenure and livestock

11. As previously reported, the most significant change in agriculture in recent years has been the development of the meat industry and of farming adjusted to produce dual-purpose sheep that will maximize returns from both meat and wool. According to the administering Power, 1.6 million kilograms of wool were exported from the Islands in 2009, and 37,000 sheep and lambs were processed through the Sand Bay abattoir for export. The Territory has an ongoing 10-year plan in support of agriculture.

E. Transport, communications and utilities

12. The Territory has concluded an extensive road-building programme involving the construction of a road network of approximately 1,000 kilometres to connect outlying settlements and farms. Work continued in upgrading the latter and allocated £850,000 to capital funding in 2010/11. In addition to roads, a coastal shipping service to settlements on the east, west and outlying islands, a regular ferry service between the two main islands, and local air services ensure communications.

13. In 2010, the LanChile Airline continued to provide a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos on mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Moreover, under the Exchange of Notes Agreement of 23 February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina and Chile. Additional information can be found in the previous working paper (A/AC.109/2010/15, sect. V.E).

14. In response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), in February 2010 Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, Argentina and other countries, as well as the Ibero-American Summit of Heads of State and Government, the Latin America and Caribbean Summit, the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR), recalled that the General Assembly, in resolution 31/49 of 1 December 1976, had called upon both parties to the dispute to refrain from introducing unilateral modifications in the situation. For

more information, see documents A/64/653, A/64/711, A/64/717, A/64/781, A/64/844, A/65/530 and A/65/637.

15. For its part, as set out in a letter circulated as a General Assembly document in May 2010, the United Kingdom considered, inter alia, that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea (see A/64/787). Additional information can be found in documents A/64/813, A/64/887 and A/65/639.

16. Concerning communications, the introduction of Island-wide rural broadband access has improved the situation within and outside the Territory. There are well over 1,000 computers in the Territory. In 2010, approximately 75 per cent of households were connected to broadband Internet, while 248 computers used a dial-up connection. Some 4,000 mobile and 1,984 fixed-line telephones operate within the resident population. However, according to media reports, local businesses are struggling with an at times unreliable Internet service supplied by a private company.

17. The Territory's first major wind farm became operational in 2007 and had been meeting 25 per cent of urban electricity needs. By November 2010, over 11,300,000 units of electricity had been generated by the turbines. The capacity of the wind farm has been doubled, with the expectation that 40 per cent of the Territory's urban electricity use will be met from wind power as a result. On a smaller scale, wind turbines provide power to homesteads and small settlements throughout the Islands.

F. Environment and hydrocarbons

18. According to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of environmental treaties. In 2010, the Territory adopted a second plan of action to reduce seabird mortality owing to trawling activity, based on work carried out since 2004 by the Territory's Albatross and Petrel Programme. For its part, Argentina rejects the territorial application of those treaties by the United Kingdom on the grounds that the Falkland Islands (Malvinas), along with the surrounding maritime areas, were an integral part of Argentina.

19. According to the administering Power, traces of hydrocarbons were found in exploration wells in offshore waters to the north of the Islands since 1998, but no commercial discovery was made. Further, additional explorations commenced in February 2010 under licences issued by the Territory, which receives direct revenue in taxation from the hydrocarbons industry. In the event that a commercial oil discovery was made, any offshore production activity would be developed with a view to keeping onerous socio-economic, health, safety and environmental impacts to a minimum. The Territory had funded assessments by such institutions as the Institute of Environmental Management and Assessment (IEMA) and the Scottish Association for Marine Science (SAMS), and had sought the expertise of the Health and Safety Executive of the United Kingdom's Department of Energy and Climate Change, and the British Geological Survey to regulate the environmental impacts and health and safety of offshore hydrocarbons exploration.

20. In February 2010, the Government of Argentina submitted a note of protest to the United Kingdom firmly rejecting "the British attempt to authorize the carrying out of hydrocarbon exploration and exploitation activities in the area of the Argentine continental shelf" around the Territory (see A/64/653, annex), and

adopted a number of measures "in response to the British actions", including "rules allowing it to penalize companies that engage directly or indirectly in oil and gas exploration or exploitation without the relevant permits issued by the competent Argentine authorities" (see A/64/711, annex). In addition, on 24 February 2010, the then Argentine Foreign Minister, Jorge Taiana, called on the Secretary-General in the context of his good offices. The Secretary-General took note of Argentina's concerns and expressed satisfaction at its commitment to resolve the dispute in a peaceful manner. Additional information can be found in the preceding section, and below.

V. Social conditions

A. General

21. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments have been extended to the Falkland Islands (Malvinas) by the administering Power. Information for 2010 concerning the United Kingdom's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/722.

22. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of those various instruments, as well as the designation of the Territory as an Overseas Territory of the United Kingdom or any other similar designation. Information for 2010 on Argentina's position regarding the Convention on the Elimination of All Forms of Discrimination against Women can be found in document A/64/626.

B. Public health

23. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. The majority of medical and dental treatment and prescription drugs are free to all residents under a reciprocal health agreement.

C. Social security and welfare

24. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. The Falkland Islands Pension Scheme Ordinance 1997 provides for a national defined-contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions during their working lives, under employer-employee agreements or voluntarily, and receive a pension upon retirement. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

25. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, the Government provides for a total of approximately 400 schoolchildren. In 2010, a new vocational training centre was opened to manage an apprenticeship programme and provide other training in key skills, including for school leavers who are not going straight into employment, and further education such as courses in bookkeeping and supervisory management.

26. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2010 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/65/67, sect. II.B).

VI. Mine clearance and related matters

27. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known as the Ottawa Convention, States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

28. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention decided to grant the United Kingdom an extension until 1 March 2019, and the United Kingdom decided to proceed with the clearance of four mined areas in the Territory. According to the administering Power, the four-site clearance programme was completed in June 2010. A follow-up phase of clearance was expected to start before the end of 2011 and be completed during 2012.[1]

29. Further, as previously reported, the Second Review Conference of the Ottawa Convention agreed in December 2009 to grant Argentina's request for an extension until 1 January 2020. At the Tenth Meeting of States Parties to the Ottawa Convention, held in Geneva from 29 November to 3 December 2010, Argentina stated that mine-clearing planning would be implemented as soon as it exercised control over the areas in question or when both Argentina and the United Kingdom reached agreement over making progress in such planning (see APLC/MSP.10/2010/WP.8*).

30. On a separate matter, according to information provided, on 9 October 2010 Argentina submitted a letter of protest to the United Kingdom rejecting that country's intent to fire missiles from the Territory as "an unacceptable provocation conducive to an arms race in the region, which is in direct contradiction to the Argentine policy of consistently seeking a peaceful solution to the dispute" (see A/65/504, annex).

31. The same month, the United Kingdom stated that test firing of anti-aircraft missiles in the area had happened approximately every six months for 28 years since they were deployed. The live firing in October 2010 was therefore considered

routine and did not represent any change. Further information on the subject can be found in documents A/65/539 and A/65/689.

32. In that connection, Argentina replied that "the United Kingdom clearly admits to having repeatedly and deliberately violated its obligations deriving from the relevant international instruments in the context of the International Maritime Organization (IMO)" (A/65/553, annex). Argentina and other countries, as well as the Ibero-American Summit, MERCOSUR, the Rio Group and UNASUR, stated, inter alia, that the firing of missiles from the Territory violated General Assembly resolution 31/49 and obstructed the full implementation of the maritime safety standards of IMO. The IMO Maritime Safety Committee took up the subject at its eighty-eighth session on 29 November 2010 and urged Member States to continue to comply with the relevant requirements and recommendations on the safety of navigation (see MSC 88/26). Additional information on the subject can be found in documents A/65/523, A/65/527, A/65/623 and A/65/689.

VII. Participation in international organizations and arrangements

33. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Also, representatives of the Government participate, as members of the United Kingdom delegation, in discussions on various matters affecting their interests. In November 2010, the Falkland Islands (Malvinas) and Saint Helena established the South Atlantic Territories Cooperation Forum to work together on common projects in areas such as procurement, health, transportation links, climate change, agriculture, tourism, public works, conservation and public sector workforce development.

VIII. Consideration by intergovernmental organizations and forums

34. As previously reported, the Treaty of Lisbon came into force on 1 December 2009, amending the Treaty on European Union and the Treaty establishing the European Community. In 2010, the High Representative of the European Union recalled, in the context of the European Union-Latin America and Caribbean Summit (Madrid, 18 May 2010), the position that the "Falkland Islands are associated with the European Union as an overseas territory of the United Kingdom in accordance with articles 198/204 of Part Four of the Treaty on the Functioning of the European Union" (see EU press release No. A 80/10). Information on the general position of Argentina and the United Kingdom can be found in previous working papers and in documents A/64/612, A/64/672 and A/64/879.

35. During meetings held in 2010, intergovernmental entities, including regional and subregional organizations such as the Latin American and Caribbean Heads of State and Government Summit (Riviera Maya, Mexico, 23 February 2010); the General Assembly of the Organization of American States (Lima, 4 June 2010); the Southern Common Market (San Juan, Argentina, 3 August 2010; Foz do Iguaçu,

Brazil, 17 December 2010); the Union of South American Nations (Los Cardales, Argentina, 4 May 2010; Quito, 12 October 2010; and Georgetown, Guyana, 26 November 2010); the Rio Group (Santiago, Chile, 15 October 2010); and the Ibero-American Summit (Mar del Plata, Argentina, 4 December 2010), addressed the question of the Falkland Islands (Malvinas) and reaffirmed the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to that long-standing dispute. Some of those organizations also rejected the United Kingdom's aforementioned hydrocarbon- and missile-related activities.

36. According to the administering Power, the United Kingdom is not a member of the aforementioned organizations, with the exception of the European Union, nor has it been represented at any of the aforementioned meetings, with the exception of the Organization of American States, where the United Kingdom has observer status. Further information on this matter can be found in section X below.

IX. Future status of the Territory

A. Position of the administering Power

37. In exercise of the right of reply to the remarks made by the President of Argentina in the General Assembly on 24 September 2010 (see also paras. 39 and 40 below), the United Kingdom reiterated its established position that there could be "no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish" and that the principle of self-determination "underlies our position on the Falkland Islands". Further, the United Kingdom indicated that "the Falkland Islands Government is entitled to develop a hydrocarbons industry within its own waters", and it had noted that "the Government of the Republic of Argentina has announced plans for hydrocarbons exploration in the South Atlantic. Both the Falkland Islands Government and the Government of the Republic of Argentina have environmental responsibilities related to their exploration. The Falkland Islands Government takes its responsibilities very seriously" (see A/65/513, annex).

38. According to information provided by the administering Power, in the annual message to the Territory for 2011, the Prime Minister of the United Kingdom, David Cameron, restated the commitment of the United Kingdom to the Islanders, adding: "It is in all our interests that we maintain a constructive working relationship with Argentina. And we will continue to do so. At the G-20 and on tackling climate change, there is common ground to be found. But let me reassure you, we will stand resolutely beside you on any question of sovereignty."[1]

B. Position of the Government of Argentina

39. As reflected in the official record of the 14th plenary meeting of the sixty-fifth session of the General Assembly on 24 September 2010 (A/65/PV.14), the President of Argentina, Cristina Fernández de Kirchner, in her address to the General Assembly, inter alia, claimed "respect for our sovereign rights over the Malvinas Islands". According to the President, the United Kingdom had refused to implement the General Assembly resolutions calling for negotiations with the Argentine Republic on the question of sovereignty. Further, she noted that "unilateral

decisions" had been taken by the United Kingdom to exploit hydrocarbon resources on the Islands, which constituted a "depredation of natural resources that belong to us" and entailed "the risk of ecological catastrophe".

40. The President of Argentina concluded by expressing the belief that, with regard to the question at hand, the United Kingdom could "do as it likes" as no one was compelling it to implement the decisions of the General Assembly, because it was a permanent member of the Security Council and an important member of the North Atlantic Treaty Organization. "In a world of double standards — where only the developing and extremely weak countries are compelled to abide by the international legal order while those who can systematically violate it do so — it is not possible to build peace, let alone maintain international security, because such situations end up creating the kind of insurmountable disputes and differences we see every day" (A/65/PV.14).

41. Additional information on the position of the Government of Argentina can be found in section X.A below.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

42. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 9th and 10th meetings, on 24 and 25 June 2010 respectively, as reflected in the relevant meeting records (A/AC.109/2010/SR.9 and 10). At its 9th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay to participate in the Committee's consideration of the item.

43. Also at the 9th meeting, statements by Ms. Edwards and Mr. Short from the Legislative Assembly of the Falkland Islands (Malvinas) were heard. Mr. Clifton, Mr. Betts and Mr. Gleadell also made statements.

44. At the same meeting, the representative of Chile introduced, on behalf of Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), draft resolution A/AC.109/2010/L.15, which the Special Committee adopted without a vote at its 9th meeting. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the negotiated settlement of the dispute, in accordance with the relevant General Assembly resolutions.

45. The Foreign Minister of Argentina, Héctor Timerman, made a statement at the 9th meeting of the Special Committee on 24 June 2010. As reflected in the meeting's summary record, the Foreign Minister, inter alia, reiterated the "Argentine Republic's inalienable and imprescriptible sovereign rights over the Malvinas Islands, South Sandwich Islands and South Georgia Islands and the surrounding maritime areas". With its adoption of resolution 2065 (XX) in 1965, the General Assembly had interpreted resolution 1514 (XV) and applied it specifically to the sovereignty dispute, inviting Argentina and the United Kingdom to negotiate a

peaceful solution. He went on to say that the right of self-determination did not apply: there was a colonial situation, but no colonized people. The United Kingdom's suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to resolution 1514 (XV). Argentina had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute and was not opposed to cooperating with the United Kingdom in practical aspects arising from the current situation in the South Atlantic (see A/AC.109/2010/SR.9, paras. 30, 31, 33 and 35).

46. In the Foreign Minister's view, the situation in the South Atlantic had been worsened by the United Kingdom's unilateral decision to prospect for oil with a view to eventually exploiting the non-renewable natural resources of the Argentine continental shelf in the waters around the Islands. That contravened General Assembly resolution 31/49 and ignored the clear opposition expressed unanimously by the countries of Latin America and the Caribbean. Additionally, there was some concern in the region over the United Kingdom's large military presence in the Territory and the, in the speaker's view, "militaristic" statements made by the British Government, including by its representatives on the Islands (see A/AC.109/2010/ SR.9, para. 37).

47. At the 9th and 10th meetings of the Special Committee, the representatives of Bolivia (Plurinational State of), Brazil, China, Cuba, Ecuador, El Salvador, Guatemala, Indonesia, Mali, Mexico (as host country of the first Latin American and Caribbean Unity Summit), Nicaragua, Papua New Guinea, Paraguay, Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Tunisia, Uruguay (on behalf of the States members of the Southern Common Market (MERCOSUR) and associated States) and Venezuela (Bolivarian Republic of) also made statements on the question of the Falkland Islands (Malvinas).

48. On 10 December 2010, the United Kingdom transmitted for circulation as a document of the General Assembly a letter dated 7 December 2010 from the "Office of the Legislative Assembly" addressed to the Chairman of the Special Committee, Donatus Keith St. Aimee, Permanent Representative of Saint Lucia, inviting him to visit the Territory (see A/65/617).

49. In that connection, by a letter of 4 January 2011 (A/65/683), Argentina rejected in its entirety the communication from the United Kingdom (A/65/617), stating, inter alia, that the United Kingdom was "violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom".

B. Special Political and Decolonization Committee (Fourth Committee)

50. On 4, 8 and 11 October 2010, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-fifth session of the General Assembly, the delegations of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba, Ecuador, Guatemala, Nicaragua, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)

referred to the question of the Falkland Islands (Malvinas), as reflected in the meeting records (A/C.4/65/SR.2, A/C.4/65/SR.6 and A/C.4/65/SR.7).

51. On 4 October, the representative of Brazil, speaking on behalf of MERCOSUR, the State party in the process of accession, Venezuela (Bolivarian Republic of), and the associated States of Bolivia (Plurinational State of), Chile, Colombia, Ecuador and Peru, reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute over "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas". The only way to end the dispute was through a peaceful negotiated solution. Furthermore, in the Special Declaration on Exploration of Non-renewable Natural Resources on the Argentine Continental Shelf of 3 August 2010, the Presidents of the States parties of MERCOSUR and associated States had rejected the exploration of non-renewable natural resources being carried out by the United Kingdom on the Argentine continental shelf, in violation of General Assembly resolution 31/49, and undertook to refrain from facilitating the activities of ships intended to provide support to activities involving drilling for hydrocarbons that would affect the rights of the Argentine Republic (see A/C.4/65/SR.2, paras. 16 and 17).

52. Also, speaking on behalf of the Rio Group, the representative of Chile reaffirmed the Group's commitment to eradicating colonialism and called upon the Governments of Argentina and the United Kingdom to resume their negotiations in order to find a peaceful, just and definitive solution to the sovereignty dispute. The Rio Group reiterated the Declaration and Special Communiqué on the exploration for fossil fuels on the continental shelf around the Islands, adopted by the Heads of State and Government of Latin America and the Caribbean gathered at the Unity Summit held in Mexico on 22 and 23 February 2010 (see A/C.4/65/SR.2, paras. 19 and 21).

53. In addition, the Permanent Representative of Argentina stated his Government's position, which had been generally reflected earlier in the year in Argentina's contribution to the Secretary-General's report entitled "Second International Decade for the Eradication of Colonialism" (A/65/330, annex I). In his intervention on 4 October, the Permanent Representative said, inter alia, that his country had always been a firm defender of the right of peoples to self-determination. It could therefore not countenance the distortion of the principle of self-determination to justify the continued existence of a colonial sovereignty dispute that had breached the territorial integrity of Argentina since 1833. Successive General Assembly and Special Committee resolutions had recognized the colonial situation there as special and particular, to be resolved through negotiations between the two parties in the interests of the population of the Islands (see A/C.4/65/SR.2, para. 37).

54. Speaking in exercise of the right of reply, the representative of the United Kingdom reiterated his Government's position on 4, 8 and 11 October 2010, which had been reflected earlier in the year in its contribution to the Secretary-General's report (A/65/330, annex I), that it had no doubts about its sovereignty over the Territory (A/C.4/65/SR.2, para. 56). The United Kingdom also stated, inter alia, that the "democratically elected representatives" of the Territory who had addressed the Special Committee in 2010 wished the status of the Islands to remain unchanged.

55. Speaking in exercise of the right of reply, the representative of Argentina stated his Government's position on 4, 8 and 11 October that "the Malvinas Islands,

South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine territory". He further stated, inter alia, that his Government had reiterated at every opportunity its willingness to negotiate; it was now for the United Kingdom to fulfil its obligation to try to reach a settlement that would end the dispute (see A/C.4/65/SR.2, paras. 57 and 37).

C. Action taken by the General Assembly

56. Under resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As of the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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IX. Relations with international organizations and partners
X. Future status of the Territory
A. Position of the territorial Government
B. Position of the administering Power
C. Action taken by the General Assembly

I. General

1. Guam is a Non-Self-Governing Territory administered by the United States of America. It is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 kilometres south of Tokyo and 6,000 kilometres west-south-west of Hawaii. The Territory consists of a single island of approximately 540 square kilometres and comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep water ports in the Pacific. The capital city of Guam is Hagåtña, also known as Agana.

2. When the first Spanish missionaries arrived in Guam in the late seventeenth century, the island was inhabited only by the indigenous Chamorro people, who are believed to be of Malayo-Polynesian descent. The Chamorros now comprise just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society. According to the United States Census Bureau International Data Base, in 2009, Guam's population was estimated at 178,000. It is expected that, with the forthcoming military build-up (see para. 16 below), the Territory's population will continue to grow, mostly through immigration. In the 2000 census, the ethnic composition of the population was shown as 37.1 per cent Chamorro, 26.3 per cent Filipino, 11.3 per cent other Pacific islanders, 6.9 per cent white, 6.3 per cent other Asian, 2.3 per cent other ethnic origin and 9.8 per cent mixed. English and Chamorro are the official languages. The majority of the population (85 per cent) is Roman Catholic, with other Christian denominations also represented.

II. Constitutional, legal and political issues

3. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local Government and made Guam an "organized" Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an "unincorporated" Territory, since not all provisions of the United States Constitution apply to the island. As an unincorporated Territory, Guam is a possession of the United States but not part of the United States.

4. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to elections applies to United States citizens who are 18 years of age or older and are legally residents in Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. The United States Constitution does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a Governor, who serves a four-year term. He is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation. Following the November 2010 elections, Eddie Baza Calvo (Republican) was declared the new Governor of Guam.

5. The people also elect 15 senators, who serve two-year terms in the unicameral Legislature. The Legislature may override the Governor's veto. Under the 1950 Organic Act, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In the November 2008 legislative elections, Democrats won 10 seats, compared with the Republicans' 5.

6. Since 1972, Guam has had one delegate to the United States House of Representatives. As previously reported, the delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the November 2008 elections, Madeleine Bordallo, a Democrat, ran unopposed. She was sworn in on 7 January 2009 for her fourth term as Guam's delegate to Congress.

7. The judicial system in Guam comprises both local and federal components. The local judicial system is made up of a Superior Court and a Supreme Court, which are led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam Legislature to elect its own Attorney-General for a four-year term. The Attorney-General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

8. In 2004, the judiciary of Guam was established as an independent branch of Government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

9. Periodically, there have been moves to change the island's political status. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum was held in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

10. The Commission on Self-Determination, established in 1984, completed a draft Commonwealth Act in 1986, which, after a public education campaign, was submitted for an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the core proposals, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after having been amended and rewritten. A summary of the main points in the draft Commonwealth Act is contained in the 2001 working paper (A/AC.109/2001/4).

11. Subsequent discussions held from 1989 to 1997 between the Commission and the Government of the United States on a commonwealth agreement did not reach a resolution. In 1997, Guam Public Law 23-147 established the Commission on

Decolonization for the Implementation and Exercise of Chamorro Self-Determination, to address an important but controversial issue within the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards.

12. As previously reported, in 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding but would have set the course for any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. To date, no further action has been reported. In October 2010, President Barack Obama signed bill H.R. 3940 into law. The law clarifies the Secretary of the Interior's authority and obligation to provide federal funding for political status education on Guam. It should help to inform the people of Guam of their constitutionally viable political options.

III. Military and related issues

13. During the June 2010 session of the Special Committee on Decolonization and the October 2010 session of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, 11 petitioners spoke about the serious implications of a further hypermilitarization of Guam, including its direct impediment to the right of self-determination for the Chamorro people, tremendous taxing of the Territory's socio-economic structure, environment and the sheer livelihood of the indigenous people. Some of the petitioners called upon the United Nations to fund a study on such implications, and denounced the hypermilitarization as being inimical to the inalienable human rights of the Chamorro people (see A/C.4/65/SR.3).

14. As previously reported, in 2009 the United States decided to realign by 2014 United States Marine Corps capabilities in the Pacific region through the transfer of United States military personnel from Okinawa, Japan, to Guam. According to the administering Power, the relocation, costing over $10 billion, would bring 8,600 marines, 630 army personnel, and about 10,000 dependants to Guam. More than 33,000 foreign workers would also be needed to build wharves, aircraft carrier berths, roads, military barracks and homes.

15. In view of major concerns expressed by the Guam officials and members of the Guam community regarding the impact of a military build-up on the Territory, in 2010, the United States Department of Defense carried out a study on the issue. The study indicated that the military expansion would strain the island's limited infrastructure, health care and ecology. In February 2010, the Territory's Environmental Protection Agency stated that a military build-up could trigger island-wide water shortages that would fall disproportionately on a low-income medically underserved population. It also indicated that it would overload sewage-treatment systems in a way that might result in significant adverse public health impacts.

16. Opposition to the military expansion stems mainly from concerns about its sociocultural, economic and environmental impact on the Territory. Anticipated economic benefits associated with the build-up are likely to be offset by higher inflation, increased congestion and greater pressure on outdated infrastructure.

17. In view of the above, the military redeployment is likely to take place closer to 2016. For 2011, the United States Department of Defense appropriated $246 million for the Guam military construction programme, bringing the total allocations for that purpose to just over $609 million. Currently, of the total $609.7 million authorized for the Guam build-up for fiscal years 2008 and 2011, plus the $917.8 million already allocated by the Government of Japan, only a fraction has actually been awarded, contracted or otherwise obligated by the Department of Defense.

IV. Land issues

18. The question of land use and ownership continues to be a major concern in Guam. This question comprises two major issues: the return of unused or underutilized lands held by the United States Department of Defense and the return of those lands to the original Chamorro landowners. However, in view of the forthcoming military build-up, the Department of Defense is interested in additionally acquiring at least 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department of Defense currently possesses 40,000 acres, or 27.21 per cent, of the island's land mass.

19. It has been reported that the Department of Defense and Guam are at an impasse over the use of ancestral land for a Marine Corps firing range. The military has been unable to get the support it needs from the Guam Government to place Marine live-fire ranges on ancient Chamorro land at Pagat Village, a federally registered archaeological site that holds deep meaning for many inhabitants of the island.

20. As previously reported, the Guam Ancestral Lands Commission has collected about $400,000 from leases and licences to compensate original landowners who will never recover their land. It is, however, unclear when that money will be paid and to how many persons. Private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam Legislature.

V. Budget

21. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated to particular sectors through the Department of the Interior on an ad hoc basis. According to federal law, all island residents, including military personnel, must pay income taxes to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the Legislature can either override the Governor's veto by a special majority or reconsider the bill.

22. In February 2010, the Governor sent the proposed 2011 budget to the Guam Legislature. The budget prioritizes education, health and public safety. It also

addresses deficit reduction and provides for partial funding of pay increases for employees of the Government of Guam. The 2011 budget projects revenues of $600,811,600, an 8 per cent increase from the projected budget levels adopted in fiscal year 2010.

23. The breakdown of the fiscal year 2011 executive budget is $246 million (34 per cent) for education, $101.6 million (14 per cent) for health and $107.9 million (15 per cent) for public safety. The remainder of the proposed budget goes to other agencies and for other purposes, including 9 per cent for debt service, 2 per cent towards deficit reduction and 2 per cent for the implementation of the findings of a Government-wide pay study.

VI. Economy

A. General

24. The economy of Guam continues to be based on two main pillars: tourism and the military. Meanwhile, the Territory has been attempting to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of Guam's exports, which include petroleum products, iron and steel scrap, automobiles, tobacco and cigars, among other things. Major trading partners of the Territory include the United States, Japan, Germany and China.

25. The upcoming military expansion is expected to become the main engine of economic activity, benefiting Guam's economy in the amount of $1.5 billion per year once the process begins. In 2010, the then Governor of the Territory acknowledged the economic benefits of the military build-up, while also stressing that it would impact the Territory's environment and create financial, social and cultural challenges. He called upon the United States Government to ensure an appropriate balance. He further stressed that extension of the construction timeline beyond 2014 would lessen the overall impact on the island. In his opinion, the application of adaptive management and force-flow reduction concepts could be one way to address those challenges: the Territory had limited financial resources and lacked the capacity to absorb the impact of 20 years' growth in a five-year time frame.

B. Tourism

26. In December 2010, the Guam Visitors Bureau announced that tourism arrivals had been slightly higher, compared to 2009 statistics. International tourist arrivals were up by 3 per cent for the first time in many years, with the majority of tourists coming from Japan and the Republic of Korea. The Guam Visitors Bureau has been recently promoting the cultural aspects of the island to attract more tourists, including the arrangement of visits to the local villages.

C. Transport and communications

27. The current transport infrastructure of Guam comprises one commercial and one military airport, approximately 1,000 kilometres of roadways (almost all paved) and one duty-free port. Guam's international airport is the most modern in the western Pacific.

28. The Port Authority, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. In December 2007, the Port Authority entered into a five-year agreement with both Matson and Horizon Lines for the non-exclusive right to use the port's rails for landing, installing, using and maintaining three refurbished cranes from the Port of Los Angeles. The cranes have recently been retrofitted and modified to enhance their productivity and handling capabilities.

29. Guam continues to serve as a major telecommunications hub for the Asia/Pacific rim. It has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including the free use of "800" numbers.

D. Water system, sanitation and utilities

30. About three quarters of the Territory's water supply is provided by the Guam Waterworks Authority. The Government's water sources consist of groundwater and surface water (the Ugum River). The remainder is produced by the air force and naval installations on Guam. The naval water source is a surface reservoir (Fena Lake) in the southern part of the island.

31. Additional information on the impact of the expected military build-up on the fragile water and sanitation systems is contained in section III above.

E. Agriculture and fisheries

32. The farming and fishing sectors are relatively well developed. Vegetables, citrus and tropical fruits, coconuts and sugar cane are grown, and livestock, especially poultry, is raised. The Guam Department of Agriculture is entrusted with developing and protecting the Territory's agriculture and natural resources. The various divisions of the Department deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources.

33. At a 2009 meeting in Hawaii, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the impact on local fishing communities of the ongoing military build-up and that they develop a mitigation and compensation plan to assist those affected, including in Guam. No follow-up action has been reported thus far.

VII. Social conditions

A. Labour

34. The December 2010 preliminary statistics showed that the total number of jobs on Guam increased by 1,350, or 2.2 per cent. Meanwhile, the rate of growth slowed down; in the last three quarters of 2010, total employment increased by less than 1 per cent, mostly in the tourism sector. In the private sector, jobs increased by 1,120, with a slight dip in construction employment, indicating that the military build-up had not yet affected that sector. The Territory's officials and local non-governmental organizations expressed concern that labour supply might be an issue during construction and even more so after its completion, since temporary off-island employees may not depart the island, thereby causing a surge in the labour force and a reduction in wages.

35. Employment in hotels and all other services increased by 110 and 210 jobs, respectively. Federal employment increased by 40 jobs, while that of the Government of Guam increased by 150. Average hourly earnings increased by 21 cents per hour, from $12.16 in December 2009 to $12.37 in December 2010. Over the same time period, average weekly hours paid increased from 36.1 to 36.4 and average weekly earnings increased correspondingly from $439.52 to $450.54, or by 2.5 per cent.

B. Education

36. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. There are approximately 25 private schools in Guam, including 2 business colleges, 5 high schools and a number of elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

37. The Territory receives millions of dollars in federal funding each year to support programmes such as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme. In January 2011, the United States Department of Education expressed its concern about a delay in the Guam Government's procurement process, which might jeopardize nearly $90 million worth of federal funds that were supposed to bring building and technological improvements to Guam schools.

38. The cause of the delay turned out to be local procurement laws requiring that the Attorney-General's office and the Governor's office sign off on contracts exceeding $500,000. To alleviate the congestion, the Attorney-General's office identified special assistant attorneys-general to deal with the matter.

39. Speaking before the June 2010 session of the Special Committee on Decolonization and the October 2010 session of the Fourth Committee, the Guam petitioners pointed out that the military expansion could result in an increase of up to 8,000 more students in the Territory, requiring over 500 additional teachers. At the same time, the petitioners said, the Guam Department of Education struggled to fill 300 vacancies per year.

C. Health care

40. The estimated life expectancy of Guamanians is about 75 years for males and 81 years for females. Guam Memorial Hospital is the only civilian hospital serving the Territory. It is owned by the Government and has 158 licensed acute-care beds, plus 40 beds at its off-site skilled nursing facility for long-term care. The Territory has a community health centre serving the northern region. The Guam Department of Public Health operates about a dozen medical and dental clinics. The United States Naval Hospital serves military personnel and dependants, as well as veterans.

41. In July 2010, the Governor's office received a letter from the United States-based Joint Commission, notifying the Government of Guam that the Guam Memorial Hospital had been granted full accreditation. As an accredited medical facility, the Hospital will receive a gold seal of approval, representing the highest level of care. Under the Joint Commission, all health-care organizations, other than laboratories, are subject to a three-year accreditation cycle.

42. In 2010, the Guam Memorial Hospital was awarded $444,189 in federal grant funding as part of the United States Department of Health and Human Services' Hospital Preparedness Program, which is designed to help the nation's hospitals and health-care systems to prepare for and respond to bioterrorism and other public health emergencies. The hospital was expected to use the funding to buy needed equipment that could be used both during normal hospital operations and public health emergencies. Projects to be funded include an upgrade of infusion pumps, renovations of isolation rooms at the Hospital's Skilled Nursing Unit, and an upgrade of automated emergency victim-tracking software.

D. Immigration

43. For immigration-related issues, see sections III and VII above.

VIII. Environment

44. The Guam Environmental Protection Agency comprises the following five divisions: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division.

45. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic test conducted by the administering Power in the Marshall Islands in the 1950s. For more information on the impact of the planned military build-up on the environment, see section III above.

IX. Relations with international organizations and partners

46. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981 and is a member of the secretariat of the Pacific Community and the Micronesian Chief Executives Summit. According to the administering Power, in 2009, Guam expressed the wish to be allowed to interact

more with and obtain observer status at the Pacific Islands Forum. No follow-up action on that request has been reported thus far.

X. Future status of the Territory

A. Position of the territorial Government

47. Developments regarding discussions on the future status of Guam are reflected in section II above.

B. Position of the administering Power

48. In a letter dated 2 November 2006 addressed to American Samoa's delegate to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States, which was considered equally valid for 2010, on the status of American Samoa and other United States insular areas. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came under the purview of the Special Committee of 24 on Decolonization. In the letter, the Assistant Secretary of State also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those Territories, and no mandate to engage the United States in negotiations on their status. The letter further stated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Territory, the federal Government submitted annual updates on United States Territories to the Special Committee of 24 as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

C. Action taken by the General Assembly

49. On 10 December 2010, the General Assembly adopted, without a vote, resolutions 65/115 A and B, based on the report of the Special Committee transmitted to the General Assembly (A/65/23) and its subsequent consideration by the Fourth Committee (A/65/23). Section VI of resolution 65/115 B concerns Guam. Under that section's operative paragraphs, the General Assembly:

1. Called once again upon the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encouraged the administering Power and the territorial Government to enter into negotiations on the matter, and stressed the need for continued close monitoring of the overall situation in the Territory;

2. Requested the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory,

to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

3. Also requested the administering Power to assist the Territory by facilitating public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and, in this regard, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

4. Further requested the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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I. General

1. New Caledonia is a Non-Self-Governing Territory administered by France. The Territory, considered as a French overseas sui generis community and governed by chapter XIII of the Constitution of France, is located in the Pacific Ocean, 1,500 km east of Australia and 1,700 km north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres, and that of the Territory is 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre. The population of the Territory is 248,406, according to the 2009 census. The official language is French and about 27 Kanak vernacular languages are spoken in geographically distinct regions.[1]

2. The 2009 census, the results of which were still to be released at the time of writing, as opposed to the 2004 census, included data on ethnicity. The census data will constitute a useful tool for measuring, inter alia, the effects of rebalancing among the provinces carried out by the territorial Government. The final results of the census are vital in calculating the financial allocations that the territorial Government grants to the communities.

3. According to the most recent official information on ethnicity available at the time of drafting, dating from the 1996 census, the population comprises 44.1 per cent Melanesians, mainly Kanaks; 34.1 per cent persons of European origin, mainly French; 9 per cent Wallisians; 2.6 per cent Tahitians; 2.5 per cent Indonesians and Vietnamese; and 7.7 per cent of populations classified by the National Institute of Statistics and Economic Studies as "others".

4. The majority of the population (approximately 70 per cent) lives in the South Province, mainly around the greater Nouméa area, approximately 20 per cent in the North Province and about 10 per cent in the Loyalty Islands. In 1996, the native Kanak population comprised almost 78 per cent of the population of the North Province and 97 per cent of that of the Loyalty Islands, but only 25.5 per cent of the population of the South Province. With respect to the Territory's second largest population group, persons of European origin, 89 per cent live in the South Province.

II. Constitutional, political and legal issues

5. The Kanak independence movement was launched in the 1970s in response to the process of decolonization in Africa and increasing French migratory flows. The movement drew steady support from other Melanesian countries in the region and gradually gained momentum in the 1980s. In 1984, the Front de libération nationale kanak et socialiste (FLNKS) was founded as an umbrella organization for the pro-independence parties, and later that year established a provisional independent

Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Population data for 2009 from the National Institute of Statistics and Economic Studies (ISEE).

government. Between 1984 and 1988, about 80 people died in the violent confrontations between pro-independentists and loyalists. The violence was eventually halted with the conclusion of the Matignon Accords on 26 June 1988 between FLNKS, the loyalist Rassemblement pour la Calédonie dans la République (RPCR) and the Government of France.

6. The Matignon Accords provided for greater local autonomy and substantial aid designed to redress deep inequalities between the French and Kanak communities, while committing the Territory to a self-determination referendum 10 years later. In 1998, the three Matignon Accords partners agreed on a new statute defining the Territory's institutions and its relations with France. The agreement, termed the "Nouméa Accord", steered a middle course between the respective political aspirations of RPCR and FLNKS and avoided the need for a divisive referendum on independence. It was signed on 5 May 1998 and approved in a referendum held on 8 November 1998 by 72 per cent of New Caledonians. The Accord was subsequently ratified by the National Assembly and the Senate of France. New Caledonia is now defined as an "overseas country of France" or "collectivité" within the French Constitution, with enhanced autonomy. The new statute also makes provision for New Caledonia to eventually change its name, flag and national anthem to express the Territory's unique cultural identity, notably its Kanak elements.

7. On 18 August 2010, the territorial Congress approved three out of five identity symbols around which New Caledonia could unite, including an anthem, a motto and banknote designs, with a new name and a flag remaining to be approved later.

8. The Nouméa Accord commits France to transfer responsibility over areas of government, except the sovereign powers, to the government of New Caledonia between 1998 and 2018. At some point between 2014 and 2018 a referendum is to be held on the basic issues: the transfer of sovereign powers; access to an international status of full responsibility; and the organization of citizenship by nationality. The exact date of the referendum will be determined by three fifths of the members of the territorial Congress. Should the outcome of the first referendum be negative, one third of the members of the Congress may call for the holding of two more referendums. If the response from all of them is negative, the parties to the Accord will meet to consider the situation thus created. The full text of the Nouméa Accord is contained in the 1998 working paper (A/AC.109/2114, annex).

9. The contentious issue of the proper interpretation of the Territory's electorate under the Nouméa Accord was resolved in 2007 and reflected in the French Constitution. As a result, only people who can prove 10 years of residence in New Caledonia at the time of the 1998 referendum on the Nouméa Accord, or who have one parent meeting that requirement, can vote.

10. Administratively, the Territory is divided into three provinces: South Province (provincial capital: Nouméa), North Province (provincial capital: Koné) and Loyalty Islands Province (provincial capital: Lifou). The President of each provincial assembly is drawn from the majority party and acts as the chief executive of the province. Assembly members are elected to five-year terms. In addition, there are 33 basic local government units across the Territory, known as communes.

11. New Caledonia has a 54-member territorial Congress, a legislative body comprising the combined elected membership of the three provincial assemblies

(15 from the North Province, 32 from the South Province and 7 from the Loyalty Islands Province).

12. The territorial Government represents the executive power of New Caledonia and is headed by the President, who is elected by Congress and answerable to it. The Nouméa Accord stipulates that the Government, as a collegial body, must proportionally reflect party representation in the Congress. The President is elected by a majority vote of all members of Government.

13. In accordance with the Nouméa Accord, a parallel set of institutions designed to accommodate full political recognition of the Kanak identity was set up. There are eight customary councils, each covering one of eight customary areas. In addition, there is a Territory-wide customary senate, comprising 16 members, 2 selected by each customary council, with a rotating presidency. The customary senate and the councils are to be consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity.

14. Political parties in New Caledonia are divided between those that favour New Caledonia remaining part of France and those that favour independence, with varying nuances between the parties supporting those positions. Following the general election in New Caledonia in May 2009, a significant political reshuffle took place in the Territory. The pro-independence parties increased their representation in Congress by five seats, although the anti-independence parties managed to retain the balance of power having agreed to work together through a "republican pact".

15. The election resulted in a Congress of 31 anti-independence and 23 pro-independence members. The anti-independence parties currently represented in Congress are the Rassemblement-Union pour un mouvement populaire (Rassemblement-UMP), with 13 seats; Calédonie ensemble, with 10 seats; L'avenir ensemble, with 6 seats; and the Rassemblement pour la Calédonie, with 2 seats.

16. The pro-independence parties of the legislature comprise Union nationale pour l'indépendance-FLNKS (PALIKA), with 8 seats; the Union calédonienne, with 8 seats; FLNKS, with 3 seats; the Parti travailliste, with 3 seats; and the Libération kanak socialiste, with 1 seat.

17. The 11-member Government drawn from Congress on a proportional basis following the 2009 elections comprised 7 members of the anti-independence Calédonie ensemble (Rassemblement-UMP) and L'avenir ensemble parties; and 4 members of the pro-independence Union calédonienne and the Parti de libération kanak, with Mr. Philippe Gomès (Calédonie ensemble) elected as President and Mr. Pierre Ngaiohni (Union calédonienne) as Vice-President of the Government.

18. In February 2011, the Union calédonienne pulled out of the territorial Government citing the latter's failure to fully implement the decision of New Caledonia to have a double flag, namely the national flag of France and that of FLNKS, as its emblem.

19. Under the 1998 Nouméa Accord and the 1999 Organic Law, if one member of Government member resigns, the entire Government is deemed to have resigned. Article 121 of the Organic Law specifies that when a member of Government ceases to hold his/her position, the next candidate on the party list on which the latter was elected becomes his/her replacement. However, the article further states that when

those provisions cannot be applied any longer, the Government is deemed to have resigned and a new Government shall be elected within 14 days.

20. In accordance with the above, on 3 March 2011, a meeting of the 54-seat Congress of New Caledonia elected a new Government with the new President, the Congress speaker and leader of L'avenir ensemble party, Harold Martin, and his Vice-President from the Union calédonienne, Gilbert Tuyienon. Right after Congress elected the Government, outgoing President Philippe Gomès announced his party's resignation from the executive, as previously warned. The newly formed Government should act on a "caretaker basis" until a new election. Mr. Gomès appeared to be pushing for early elections, while Paris reportedly wished to resolve the issue within the current electoral timelines. Meanwhile, at the time of writing, two attempts to form a new Government failed as a result of the withdrawal of the Calédonie ensemble Party from the territorial Government.

21. New Caledonians also vote in the French presidential elections and elect one member of the Senate and two members of the National Assembly. In 2011, the Territory will obtain a second seat in the Senate. Following the 2009 European Parliament elections, a locally elected official, Maurice Ponga (Rassemblement-UMP), became the first Kanak elected to the European Parliament.

22. The administering Power is represented in the Territory by a High Commissioner. This position is currently held by Mr. Albert Dupuy. Under the Organic Law of 19 March 1999 concerning New Caledonia, France has powers over areas prescribed by law, including external relations, immigration and aliens, currency, the Treasury, trade, defence, justice, the civil service and maintenance of law and order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. The High Commissioner may declare a state of emergency as provided for under the relevant legislation; he shall refer the matter to the Minister for Territories Overseas after informing the New Caledonia Government authorities. Under the territorial defence structure, the Office of the High Commissioner in the Territory is the seat of the defence sector of New Caledonia. According to media reports, there are some 3,000 military personnel from France, including the gendarmerie, in the Territory. Political responsibility for New Caledonia lies with the French Minister of the Interior, Overseas Territories, Subnational Government and Immigration, Claude Guéant, and the Deputy Minister for Overseas Territories, Marie-Luce Penchard.

23. The Territory's legal system is based on the French model, augmented by man latory consultation with the Advisory Council on Customs. Magistrates preside over the decentralized lower courts. The Court of Appeal is located in the capital, Nouméa, and there is access to the higher appeal court of France for certain matters.

III. Budget

24. The 2011 draft budget for New Caledonia was prepared in anticipation of a rather favourable economic situation. It was intended to support the economy by public investment and to better control the evolution of the administrative expenditures. It provided for an increase of revenues by 5.5 per cent from taxes. The overall budget will reach 172.3 billion francs, with net expenses amounting to 45.4 billion francs (an 8.1 per cent increase over the previous year's budget), including operational expenses of 4.2 billion francs (a 2.8 per cent increase),

personnel expenses of 14.6 billion francs (a 3.2 per cent increase) and direct and indirect public investment of 8.9 billion francs (a 12.2 per cent increase).

IV. Economic conditions

A. General

25. New Caledonia has one of the largest economies in the Pacific Islands region, with its gross domestic product (GDP) per capita slightly higher than that of New Zealand. However, there are significant disparities in income distribution. For example, about 85 per cent of the household income falls on the South Province, 11.1 per cent on the North Province, and only 3.9 per cent on the Loyalty Islands Province. The economy is highly dependent on the nickel industry and payments from the French Government. Nickel production accounts for around 95 per cent of total export earnings. Approximately 80 per cent of the payments from France are spent on health, education and payment of civil service salaries, with most of the remainder allocated for development schemes, mainly in the North and Loyalty Islands Provinces. The Territory runs a significant trade deficit caused by an increase in the value of imports.

B. Mineral resources

26. The Territory is the world's third largest producer of nickel after the Russian Federation and Canada, with an estimated one quarter of the world's nickel reserves. Chrome and cobalt are also mined commercially, and deposits of iron, copper and gold have been found. New Caledonia is unique in being a South Pacific economy predominantly based on mining, and has some highly sophisticated domestic industries and services to support the mining sector, thereby creating further employment opportunities.

C. Construction and manufacturing

27. The construction sector accounts for roughly 12 per cent of GDP, employing about 9 per cent of the salaried population. Construction projects in the mining industry continue to provide a platform for growth. There is still a need for approximately 1,000 new houses per year throughout the country. In July 2010, the Territory's Congress adopted a bill establishing a zero-interest loan facility to enable home ownership for families with monthly incomes between $3,100 and $6,200. The facility will begin operating in January 2011, and is expected to benefit about 300 households.

28. Manufacturing remains small scale and is largely focused on the transformation of foodstuffs, textiles and plastics. Nevertheless, the sector accounts for approximately 13 per cent of GDP.

D. Agriculture and fishing

29. Agriculture officially employs only 5 per cent of the population and represents 2 per cent of GDP, although it forms the basis of much of the indigenous population's subsistence economy. The raising of beef cattle on the west coast (mostly by European descendants), pig farming and the export of venison to Europe are the most important cash-producing agricultural activities. Tuna fishing and shrimp farming also contribute to export earnings. Agricultural production in most areas is heavily subsidized and prices are controlled. Agricultural output is hampered by labour diversion to the more lucrative mining industry and to tropical cyclones. As a result, there is a heavy reliance on imports to meet demand.

E. Transport and communications

30. While the Territory has no railways, there is a good road system in and around Nouméa, the most populous region. The road infrastructure in the rest of the country is more basic, but it continues to improve. New Caledonia has around 5,000 kilometres of roads, of which about one half are sealed. Overseas shipping is predominantly through Nouméa. There are passenger and cargo services, and a harbour for yachts and other leisure watercraft. The Territory relies heavily on air transport for both international and internal movement of passengers and freight. Frequent international services link Nouméa's airport, La Tontouta, with neighbouring countries and with the United States of America, Japan and Europe. An €80 million upgrade of the Tontouta airport is due to be completed in 2011. There are regular services from the domestic airport, Magenta, to the outer islands and major towns on the main island.

31. Postal services and telecommunications are run by the state company Office des Postes et Télécommunications. A submarine cable network connection between the Territory and Australia, launched in 2008, has increased the Territory's network capacity significantly, offering high-speed connectivity and access to international networks. Internet facilities and usage have grown rapidly in recent years, but statistics are lacking. Mobile telephone subscriptions are on the rise, but coverage still stands at less than 50 per cent of the Territory, and is largely concentrated in the coastal areas.

F. Tourism and environment

32. The territorial Government is actively promoting the tourism sector as a means of future economic diversification and employment. However, the global economic slump combined with strong competition from other struggling Pacific tourist destinations kept the industry depressed. In August 2010, tourist arrivals totalled 8,637 as compared to 6,313 in June, but were still down by about 10 per cent against past average annual figures. The occupancy rate for hotels in the capital, Nouméa, hovered around 55 per cent in August 2010 compared to 63 per cent at the same period in 2009.

33. New Caledonia has an extremely rich biodiversity and possesses the second largest coral reef in the world after the reef in Australia. The Territory's unique flora

and fauna are endangered as a result of the intensive development of nickel projects and may be threatened if the necessary safeguards are not put in place.

34. In April 2009, an acid spill at the Vale Nouvelle-Calédonie nickel plant led to the leakage of around 2,500 litres of sulphuric acid from the plant during testing. Thousands of fish in Prony Bay, a United Nations World Heritage site, were killed. Another spill at the plant in April 2010 was reportedly brought under control; an investigation followed. In May 2010, Vale Nouvelle-Calédonie announced that technical problems had forced another delay to the opening of the plant, which had originally been expected to begin operations in mid-2009. The company has yet to set a new start date for the plant.

35. A report released by Conservation International in February 2011 expresses concern over the negative impact of nickel mining and deforestation on the unique flora and fauna of New Caledonia. The Territory is listed as second among the world's 10 most threatened forest hotspots. The Territory has only 5 per cent of its original forest landscape left.

36. As a result of deforestation, many endemic species, including various plants and birds, are threatened. For example, the kagu (*Rhynochetos jubatus*), the only surviving member of the bird family Rhynochetidae, is probably the most well known of the Territory's native birds. In addition, the New Caledonian crow (*Corvus moneduloides*) has become highly publicized owing to its incredible ability to make and use tools. The islands are also home to one of the world's largest geckos, the New Caledonian giant gecko (*Rhacodactylus leachianus*).

37. In July 2010, the European Investment Bank announced that it would provide a $12.7 million credit line to enable banks in New Caledonia to finance projects in the sectors of renewable energy, environment and waste treatment. The European Investment Bank's aims are twofold: to develop the long-term lending operations of local banks by providing financing, and to promote green-energy initiatives and the protection of local ecosystems to local businesses. The European Investment Bank has already invested in a solar-power facility in Helios Bay, which was opened in May and is expected to produce sufficient electricity for about 1,000 homes.

V. Social conditions

A. General

38. According to 2009 census figures, as reported by the media, there are still significant disparities in wealth between the north and the south of the Territory, and between Kanaks and Europeans. However, some positive figures are reported in the education field, with more people completing school than ever before. In his statement issued after the completion of the mission to New Caledonia (4-13 February 2011), the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples said that during the mission, he had learned of numerous steps to implement the Nouméa Accord and related positive developments.[2] He continued by saying that "Kanak authorities and members of indigenous communities repeated expressions of frustration about ongoing patterns

[2] Press release issued on 13 February 2011; see www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=10730&LangID=E.

of discrimination, limitations on the exercise of their customary rights, poor social and economic conditions, and lack of adequate participation in decisions affecting them in many respects".

39. The imbalance in social development among the provinces is a major concern for the territorial Government. According to a FLNKS statement made at the Pacific regional seminar held in Nouméa in May 2010, the number of households with running water in the South Province reached 95 per cent, while that in the North and the Loyalty Islands Provinces reached 77 per cent. In addition, one in every six households in the North Province and one in every five in the Loyalty Islands are lit with kerosene lamps. Approximately 20 per cent of the households in the whole of the Territory control about 55 per cent of the total declared income. One in every four New Caledonians is affected by relative poverty, while about 7,000 families live in precarious conditions.

40. The former government of Mr. Gomès pledged to address the high cost of living in the Territory. In December 2009, the territorial Congress passed legislation to raise the monthly minimum wage by about 20 per cent over a three-year period, to reach $1,600 by 2013. A law imposing price controls on about 100 types of consumer goods was approved in May 2010. Mr. Gomès also increased investment in public works and other projects.

41. In a parallel development, a law aimed at reforming indexed retirement pensions for French Overseas Territories (pensions in New Caledonia are 75 per cent higher than in France) was passed by the French Senate in 2008. As a result, since 2009, indexation levels on pensions are being progressively reduced until 2028.

B. Employment

42. In July 2010, the number of New Caledonians seeking employment decreased to 7,200, a significant improvement compared with 9,000 at the end of the first quarter of 2010. Nevertheless, regional disparities are clearly evident in the unemployment figures. The number of unemployed remains particularly high in the North Province. However, the opening in 2012 of two Kone nickel-processing plants in the North Province is expected to initially generate 8,000 jobs, many of them for the local population. Meanwhile, the territorial Government says that it does not have the statistics confirming high levels of unemployment among Kanaks (see sect. VIII.B of the present document).

43. Kanak representatives continue to express concern over the influx of labour immigration to New Caledonia. The territorial Government acknowledged this fact and specified that the immigration included highly qualified labour and technicians and managers not available in the domestic labour force. Furthermore, while the duration of stay for the first category was limited to 18 months, for the second it was limited to four years. According to the territorial Government, three quarters of the guest labour force of the nickel plant in the South Province have already left the Territory. The Government plans to provide vocational training for New Caledonians, with the aim to allow them to occupy 95 per cent of jobs created in the metallurgic industry in the future.

C. Education

44. The Territory's education system remains closely modelled after the French system, and the primary language of instruction at all levels is French. Education is free and compulsory for children between the ages of 6 and 16. Primary education lasts for five years. Secondary education is broken up into two cycles, the first of which is a four-year programme that begins at age 11. The additional three-year programme, commonly known as upper secondary, is optional; however, successful completion of it is required for students who wish to pursue higher education. New Caledonia operates five institutions of higher education, including a branch of the Université française du Pacifique. Many students seeking university degrees attend universities overseas, including France.

45. The Organic Law of 19 March 1999 transferred control of public primary education to the New Caledonian authorities, giving them the right to adapt the curriculum to local cultural and linguistic backgrounds, including instruction in the Kanak languages.

46. According to the information provided by the customary senate in May 2010, the lack of schooling success among Kanak children is obvious in the current school system. Despite the provisions in this respect in the Matignon and Nouméa Accords along with efforts to change the situation for the better, there still exists a significant gap in the level of education between young Kanaks and their European counterparts. This leads to a higher level of unemployment, instability and delinquency among the local youth. The customary senate is of the view that the teaching of Kanak languages and culture in primary school, which is part of the Nouméa Accord, is not always effective, and if implemented at the present pace, may have a fatal impact on the least spoken Kanak languages. According to the Senate, the drop-out rate in the first year of the University of New Caledonia is 70 per cent, while 90 per cent of that figure represents Kanak students living in shanty towns in Nouméa.

47. Several research institutes, based mainly in Nouméa, are concentrating on studies on biodiversity, environment, biology and geology, nickel, oceanography, history, anthropology, sociology and linguistics of the Kanak language.

48. In 2010, the Minister for National Education of France visited New Caledonia and signed an agreement to transfer control of secondary school education from France to the Territory. The transfer, which is part of the Nouméa Accord process, will come into effect in January 2012. The Government of France has undertaken to continue funding the education system, the costs of which comprise approximately one third of the territorial Government's budget, including the remuneration of some 4,500 teachers and administrators.

D. Health care

49. In New Caledonia, life expectancy at birth is 71.8 for males and 80.3 for females (2007). As at 1 September 2008, there were 545 practising medical doctors, 1,091 nurses, 125 dentists, 106 midwives and 141 pharmacists in the Territory.

50. At the territorial level, there are three public hospitals (492 beds), three private clinics (178 beds) and four specialized hospitals (184 beds) in Nouméa. At the

provincial level, integrated public health-care services are provided through seven medical social centres, with 42 hospital beds, 19 medical centres, 14 infirmaries, 55 consultation facilities and 22 dental care stations. The Congress of New Caledonia has endorsed a $530 million project to construct a new territorial hospital to replace Nouméa's Gaston Bourret Hospital. The Congress has approved the Medipole Hospital at Koutio near Nouméa, which is to have 100 more beds than the current main hospital. Its construction is planned to start in 2011 and be completed after four years.

51. Outbreaks of dengue fever, a mosquito-borne disease, are common, especially during the warm wet months from February to May, with more serious outbreaks occurring from time to time. Small outbreaks of leptospirosis take place with more serious outbreaks occurring from time to time, particularly from March to May.

VI. Relations with international organizations and partners

52. The legal framework within which New Caledonia may establish external relations is governed by the Organic Law of 1999.

53. New Caledonia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992.

54. In 2006, New Caledonia became an associate member of the Pacific Islands Forum, having been an observer since 1999. The forty-first meeting of the Forum, held in Port Vila, Vanuatu, on 4 and 5 August 2010, was attended by a delegation of New Caledonia, headed by the then President of the territorial Government. At the meeting, he expressed the interest of New Caledonia in eventual full membership in the Forum. Recognizing that a number of issues relating to the international standing of New Caledonia would be resolved as it advanced the self-determination process with France under the Nouméa Accord, the Forum requested its secretariat to further explore with New Caledonia the ways in which the Territory's engagement and role within the Forum could be expanded and enhanced, including through reactivation of dialogue through the Forum's Ministerial Committee on New Caledonia. Another regional organization, the Melanesian Spearhead Group, gave observer status in 2007 to FLNKS, which represents the Kanak people.

55. In September 2010, the Territory hosted the fourth Melanesian Arts Festival. In 2011, it will host the annual European Union-Overseas Countries and Territories Forum and the fourteenth Pacific Games.

56. Furthermore, New Caledonia is a member of the Pacific Community, the Pacific's oldest regional organization, whose secretariat is headquartered in Nouméa. Among other Pacific regional arrangements in which New Caledonia is involved are the South Pacific Regional Environment Programme, the Pacific Islands Development Program and the South Pacific Applied Geoscience Commission.

57. New Caledonia has continued to strengthen its ties with the European Union, within which it has the status of associated territory as conferred by the Treaty of Rome, which forms the basis for the current development policy of the European Union. As previously reported, New Caledonia receives development aid from the European Union in the framework of the tenth European Development Fund for the Overseas Countries and Territories covering the period 2008-2013.

VII. Future status of the Territory

A. Position of the territorial Government

58. Developments regarding discussions on the future status of New Caledonia are reflected in sections II and VIII.B of the present working paper.

B. Position of the administering Power

59. On 19 January 2010, the President of the Republic of France stated that the French State guaranteed the implementation of the Nouméa Accord and the effective transfer of power, and called on New Caledonians to immediately engage in discussions before 2014 on the institutional future of the country so that the consultation provided for in the Nouméa Accord could lead to an outcome approved by an overwhelming majority of voters. In June 2010, the Prime Minister of France presided over a meeting in Paris of the follow-up committee overseeing the progress of the 1998 Nouméa Accord on the devolution of power to New Caledonia. This was followed in July by his three-day visit to the Territory, the first one at such a high level in over a decade.

VIII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

60. At its 10th meeting, on 25 June 2010, the Special Committee adopted a draft resolution introduced by the Representative of Fiji on behalf of his country and Papua New Guinea (see A/AC.109/2010/L.9).

B. Special Political and Decolonization Committee (Fourth Committee)

61. At the 3rd meeting of the Fourth Committee on 5 October 2010, the then President of the Government of New Caledonia and a Kanak petitioner addressed the Committee.

62. At that meeting (see A/C.4/65/SR.3), the then President of the Government of New Caledonia said that legislation had been enacted in the past year to transfer powers from France to New Caledonia in the fields of education and air and maritime transport and that procedures for the transfer of powers in other areas had been worked out with France, since the Territory still needed its assistance. As could be seen from the scope of reforms introduced by the Government, the political institutions of New Caledonia were functioning very well.

63. The Territory's economic development efforts were bearing fruit since employment and GDP had grown by 3 per cent and 4 per cent, respectively, over the previous four years. New Caledonia was poised to become the world's second largest nickel producer, with the entry into production of its two new plants in 2012.

There were ongoing efforts to develop business infrastructure throughout the Territory with a view to restoring the balance between the different provinces and Nouméa. While General Assembly resolution 64/102 contained the observation that unemployment remained high among Kanaks, there were in fact no reliable statistics in that regard. Unemployment currently stood at 6.5 per cent, indicating the need for continued emphasis on initial and continuing education and training of New Caledonians. The goal, he noted, was not only to produce more high school graduates but also to stop children from dropping out of school because it perpetuated social inequalities.

64. Turning to the recruitment of foreign mine workers, which was also referred to in resolution 64/102, the Governor said that highly skilled foreign mine workers were recruited only in case of a dearth of local workers. They were granted work permits for very short periods. On the other hand, ambitious training projects had been put in place to ensure that in the long run, New Caledonians would occupy 95 per cent of the posts in the nickel industry.

65. Kanak identity was being taken into account in the Territory's political and social organization. Since the adoption of General Assembly resolution 64/102, the country law on the three identity symbols of New Caledonia had been enacted. New Caledonia had a new motto. The Committee of Signatories of the Nouméa Accord had recommended that, pending the initiation of work on the two other identity symbols, the flag and the name of the country, the FLNKS flag should be flown side by side with the French flag; that had become official on 17 July 2010.

66. The Governor further continued that with regard to the Kanaks' concerns about the impact of mining on the environment (resolution 64/102, para. 6), the Congress of New Caledonia had taken legislative measures to ensure the sustainable management of mining resources, in response to the concerns expressed by Kanaks. Former mining sites were being reclaimed and replanted and a plan for the reclamation of 200 former mining sites within the next decade would be submitted shortly to Congress.

67. Noting that the preparations for the referendum on self-determination constituted a top priority for all political movements in New Caledonia, he said that the Committee of Signatories of the Nouméa Accord had set up a steering committee that would meet every three months to hold in-depth discussions on the status of preparations, in line with the call of the General Assembly for a process in which all options were open and which would safeguard the rights of all sectors of the population.

68. Ms. Lauouvea, a petitioner from FLNKS, said that the challenge under the Nouméa Accord was how to achieve the fullest form of autonomy for New Caledonia under the French Republic, which could lead to independence if the people so chose. Full autonomy and independence meant that New Caledonia had to be able to secure its own economic future. Thus, the development of human resources and employment should remain the focus of public policies.

69. Noting that the Territory's inability to finance the costs of decolonization as set out under the Nouméa Accord basically stemmed from its continued heavy dependence on earnings from nickel, she said that the tax system needed to be modernized, while structural reforms had to be implemented to foster growth and put the finances of New Caledonia on a sound footing. The development of such

employment-generating sectors as agriculture and tourism would diversify the economy away from nickel. While concern had been expressed about the way in which resources were distributed among the provinces, there was no objective analysis that could be used to assess the imbalance. The upcoming plan for the balanced development of the Territory should be useful in that regard.

70. She continued that it had been decided to transfer competence in several key areas from France to New Caledonia, to be accompanied by the necessary training. Nevertheless, there was concern about the resources that such transfers would require. New Caledonia continued to receive massive financial contributions from France, which showed its continued dependence and the challenges it faced in trying to finance and implement an effective development plan.

71. She reiterated the request of FLNKS to the United Nations for assistance to New Caledonia to assess the level of autonomy it had achieved to date and help it determine whether its current policies had truly reduced its level of dependence on France. FLNKS supported the adoption by the General Assembly of a draft resolution on the Third International Decade for the Elimination of Colonialism and suggested that the parties concerned in each Non-Self-Governing Territory, together with the administering Powers, should draw up a constructive programme of work for the Decade.

C. Action taken by the General Assembly

72. On 10 December 2010, the General Assembly adopted, without a vote, resolution 65/113, based on the report of the Special Committee transmitted to the Assembly (A/65/23 and Corr.1) and its subsequent consideration by the Fourth Committee. In that resolution the General Assembly:

1. *Welcomes* the significant developments that have taken place in New Caledonia since the signing of the Nouméa Accord on 5 May 1998 by the representatives of New Caledonia and the Government of France;

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony, and in this context welcomes the unanimous agreement, reached in Paris on 8 December 2008, on the transfer of powers to New Caledonia in 2009 and the conduct of provincial elections in May 2009;

3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and welcomes, in this context, the adoption on 18 August 2010 by the Government of New Caledonia of the law on the anthem, the motto and banknote designs;

4. *Acknowledges* those provisions of the Nouméa Accord relating to control of immigration and protection of local employment, and notes that unemployment remains high among Kanaks and that recruitment of foreign mine workers continues;

5. *Notes* the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures;

6. *Also notes* the concerns expressed by representatives of indigenous people regarding incessant migratory flows and the impact of mining on the environment;

7. *Takes note* of the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

8. *Notes* the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

9. *Recalls* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

10. *Notes* the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund in such areas as economic and trade cooperation, the environment, climate change and financial services;

11. *Calls upon* the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter of the United Nations;

12. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

13. *Recalls with satisfaction* the efforts of the French authorities to resolve the question of voter registration by adopting, in the French Congress of Parliament, on 19 February 2007, amendments to the French Constitution allowing New Caledonia to restrict eligibility to vote in local polls to those voters registered on the 1998 electoral rolls when the Nouméa Accord was signed, thus ensuring strong representation of the Kanak population;

14. *Welcomes* all measures taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

15. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

16. *Notes* the financial assistance rendered by the Government of France to the Territory in areas such as health, education, payment of public-service salaries and funding development schemes;

17. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

18. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, including the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

19. *Welcomes* the cooperation among Australia, France and New Zealand in terms of surveillance of fishing zones, in accordance with the wishes expressed by France during the France-Oceania Summits in July 2003 and June 2006;

20. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

21. *Recalls with satisfaction*, in this regard, the participation of New Caledonia at the 41st summit of the Pacific Islands Forum, held in Port Vila on 4 and 5 August 2010, following its accession to the Forum as an associate member in October 2006;

22. *Recalls* the continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

23. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

24. *Recalls* the endorsement of the report of the Forum Ministerial Committee on New Caledonia by leaders of the Pacific Islands Forum at its 36th Summit, held in Papua New Guinea in October 2005, and the continuing role of the Forum Ministerial Committee in monitoring developments in the Territory and encouraging closer regional engagements;

25. *Welcomes* the successful conclusion of the Pacific regional seminar of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, held in Nouméa from 18 to 20 May 2010, and expresses its appreciation to the people and Government of New Caledonia for hosting the seminar and to the Government of France for its support in organizing it;

26. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

27. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its sixty-sixth session.

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Dissemination of information on decolonization during the period from April 2010 to March 2011

Report of the Secretary-General

Summary

The present report, prepared in response to General Assembly resolution 65/116, provides an overview of the activities undertaken by the Department of Public Information to disseminate information on decolonization, with particular emphasis on the activities of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Unless otherwise stated, it covers the period from April 2010 to March 2011.

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I. Introduction

1. The General Assembly, in paragraph 2 of its resolution 65/116, considered it important to continue and expand its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of the Non-Self-Governing Territories and, to that end, requested the Department of Public Information of the Secretariat through the United Nations information centres in the relevant regions to seek new and innovative ways to disseminate material to the Non-Self-Governing Territories. In paragraphs 4 and 5, the Assembly also requested the Department to continue its efforts to update web-based information on the assistance programmes available to the Non-Self-Governing Territories and, together with the Department of Political Affairs of the Secretariat, to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization.

2. The present report, prepared in response to that mandate, covers the period from April 2010 to March 2011.

II. Fiftieth anniversary of the adoption of General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples

3. In commemoration of the fiftieth anniversary of the adoption, on 14 December 1960, of General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Department provided communications support to the Department of Political Affairs to raise awareness and disseminate information about the work of the United Nations in the area of decolonization. The Department's contribution to the promotion of the commemorative event, which was held in the General Assembly Hall on 14 December 2010, included:

(a) Issuance of a press kit that was made available ahead of the commemorative event;

(b) Screening of documentary video footage related to General Assembly sessions on decolonization during the 1960s. Several television monitors were placed throughout United Nations Headquarters to screen the footage;

(c) Display of a slide in the public tour area on the Organization's role in decolonization, which helped to raise visitors' awareness of the commemorative event;

(d) Publication of special features and news stories in the United Nations News Centre on the United Nations website and on the Secretariat's Intranet platforms for staff and delegates.

III. 2010 Pacific regional seminar on decolonization, New Caledonia

4. The Special Committee held its 2010 annual regional seminar in Noumea from 18 to 20 May. The seminar, hosted by the Territorial Government of New Caledonia in concurrence with France as the administering Power and conducted within the framework of the Second International Decade for the Eradication of Colonialism (2001-2010), marked both the end of the Second International Decade and the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

5. The Department arranged for the deployment of a press officer from the Office of the United Nations High Commissioner for Refugees (UNHCR) in Australia to cover the seminar. It issued four press releases, which were carried by the Department's meetings coverage services and shared with the network of United Nations information centres for local dissemination. A message issued by the Secretary-General on the occasion was also widely disseminated.

IV. Coverage of issues before the General Assembly

Services to the media

6. During the reporting period, the Department's press service issued a total of 43 press releases on decolonization in English and French, covering meetings, statements and hearings by various United Nations bodies, including the General Assembly, the Fourth Committee of the General Assembly (Special Political and Decolonization Committee) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

7. Issues pertaining to the Organization's work in the area of decolonization were a consistent focus of news stories produced by the United Nations News Service, one of the most frequently visited segments of the www.un.org website. Over the course of the reporting period, United Nations news articles were also distributed via RSS feeds to news aggregators, via e-mail to tens of thousands of subscribers worldwide, and through Facebook and Twitter, reaching some 20,000 fans.

United Nations Television

8. United Nations Television covered the meeting between the Secretary-General and the Minister for Foreign Affairs of Argentina on the situation of the Falkland Islands (Malvinas) held at United Nations Headquarters on 24 February 2010. It was fed live to the Department's television clients and used in a UNifeed story and in the daily United Nations highlights package. United Nations Webcast covered seven events relating to the issue of decolonization, representing 11 hours of live and archived video. These included the first organizational meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 24 February 2011 and the reports of the Fourth Committee.

United Nations Radio

9. United Nations Radio continued to cover decolonization matters, which formed a significant part of the content of its English regional news magazine "Caribbean News Round-up". In February 2011, considerable coverage was given to the statement of the Secretary-General that the continued existence of colonial situations was completely outdated and must be addressed. The Secretary-General cited the case of the 16 so-called "non-self-governing territories", including Bermuda and Guam, as well as Western Sahara.

10. United Nations Radio provided coverage of meetings, using audio clips of statements by members of the Special Committee as well as petitioners, in addition to meetings of the Fourth Committee. Coverage included work on Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, Puerto Rico, the Turks and Caicos Islands, the United States Virgin Islands and the Pacific islands of American Samoa, Pitcairn and Tokelau. There was also some coverage of the Falklands Islands (Malvinas) and Gibraltar in the Committees. Coverage of Western Sahara included action in the Security Council and efforts by the Special Envoy of the Secretary-General.

V. Visitors services

11. The topic of decolonization, including the roles of the Trusteeship Council and the Special Committee, was regularly included in the narrative of the guided tours of United Nations Headquarters provided by the Department. The maps and text on decolonization, both of which were updated and reprinted in early 2011 to incorporate the most up-to-date information and to make them easier to read, assisted the guides in explaining to the visitors the historical process of decolonization, as well as the locations of the current Non-Self-Governing Territories. There are now two sets of decolonization maps on the tour route so that they can be used by more guides at the same time.

VI. Dag Hammarskjöld Library

12. The Dag Hammarskjöld Library provides research and information services on decolonization and related issues on an ongoing basis. During the reporting period, the Library handled an increased demand for research and information services on this topic because a high number of countries, especially in Africa, were celebrating and commemorating their fiftieth or sixtieth independence anniversaries. Requests came mainly from delegates, staff and scholars, who wished to make effective use of the rich documentary archives of the Organization, including landmark speeches, treaties, maps, Trusteeship Council reports and other relevant information sources.

13. Through its ongoing digitalization programme, the Library also continued to digitize and post important older documents to the Official Document System, to ensure that an increasing number of these important records on decolonization were accessible through the Internet, while also ensuring the preservation of the original copies.

VII. United Nations publications

14. In March 2011, the Department published volume 61 (2007) of the *Yearbook of the United Nations*, which provides comprehensive coverage of the concerns and activities of the United Nations, including decolonization. The volume covers the work of the General Assembly, the Fourth Committee and the Special Committee as well as general decolonization issues and the situation of individual Non-Self-Governing Territories.

15. The Department also prepared a revised edition of the handbook *Basic Facts about the United Nations*, to be published in May 2011, which features an entire chapter, with accompanying appendices, documenting the history of the contributions of the United Nations to decolonization up to the present day.

VIII. United Nations information centres and services

16. The network of United Nations information centres continued to disseminate information about decolonization and promote the work of the Fourth Committee, often in local languages, among students, civil society and the media.

(a) The United Nations Information Centre in Canberra, in conjunction with the regional UNHCR office, provided communications support to the Special Committee at its 2010 annual regional seminar in Noumea. Activities included providing a record of the Committee sessions, drafting, editing and sending daily media releases and liaising with local and international media to publicize the seminar and arrange press interviews with the Chair. Support also included assisting in drafting and editing recommendations for the final report as well as general administration and liaison with United Nations staff and host country officials;

(b) The United Nations Information Service in Geneva issued press releases on the work of the Human Rights Council and other human rights treaty bodies and experts that touched on the effects of colonization and decolonization in the context of country reviews. Themes related to decolonization were also addressed during the Service's news briefings held twice a week. Decolonization and the role of the Trusteeship Council in the decolonization process were included in the Service's guided tours of the Palais des Nations, as well as in the information programmes organized for visiting groups. Approximately 95,000 visitors took the guided tour in 2010;

(c) The United Nations Information Service in Vienna addressed the issue of decolonization in its briefing and guided tour programmes for visiting students and the public. In 2010, well over 48,500 people took guided tours in Vienna.

IX. Conclusions

17. As the public voice of the Organization, the Department of Public Information continues to disseminate information about decolonization. Using traditional as well as new information and communications technologies, it continues to stress the need for immediate and full implementation of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. The work of the Special Committee, which remains the intergovernmental body exclusively devoted to

advancing the United Nations decolonization agenda, remains at the centre of the Department's outreach activities with media, civil society and educational institutions.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: assessment of the decolonization process in today's world, to be held in George Town, Cayman Islands, from 24 to 26 May 2011

Guidelines and rules of procedure

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I. Introduction

1. At its sixty-fifth session, the General Assembly, by resolution 65/119 of 10 December 2010, declared the period 2011-2020 the Third International Decade for the Eradication of Colonialism, and called upon Member States to intensify their efforts to continue to implement the plan of action for the Second International Decade for the Eradication of Colonialism (A/56/61, annex) and to cooperate with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in updating it as necessary, with a view to using it as the basis for a plan of action for the Third International Decade.

2. Also at its sixty-fifth session, the General Assembly, by resolution 65/117 of 10 December 2010, approved the report of the Special Committee (A/65/23 and Corr.1), including the programme of work envisaged for 2011, and requested the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and, among others, to conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars.

II. Place and dates of the seminar

3. The Caribbean regional seminar will be held in George Town, Cayman Islands, from 24 to 26 May 2011.

III. Purpose of the seminar

4. The purpose of the seminar is to enable the Special Committee to obtain the views of representatives of the Non-Self-Governing Territories, experts, members of civil society and other stakeholders in the process of decolonization who can assist the Special Committee in identifying policy approaches and practical ways that can be pursued in the United Nations decolonization process. The discussions at the seminar will assist the Special Committee in making a realistic analysis and evaluation of the situation in the Non-Self-Governing Territories, on a case-by-case basis, as well as the ways in which the United Nations system and the international community at large could enhance programmes of assistance to the Territories.

5. The contributions of the participants will serve as a basis for further consideration by the Special Committee at its substantive session, to be held in New York in June 2011 with a view to submitting proposals to the General Assembly concerning the fulfilment of the objectives of the Third International Decade for the Eradication of Colonialism.

IV. Agenda of the seminar

6. The agenda of the seminar is as follows:

1. Third International Decade for the Eradication of Colonialism: the Special Committee and the Non-Self-Governing Territories:

(a) Analysis and assessment of the contribution, goals and expected accomplishments of the Special Committee;

(b) Communication and cooperation with administering Powers;

(c) Participation of Non-Self-Governing Territories.

2. Goals and expected accomplishments of the Special Committee in the Third Decade, including on the status of self-government and development of the Non-Self-Governing Territories:

(a) Goals and expected accomplishments in the Caribbean region (administering Powers, territorial Governments, experts and civil society);

(b) Goals and expected accomplishments in the Pacific and other regions (administering Powers, territorial Governments, experts and civil society);

(c) Goals and expected accomplishments for the United Nations system (administering Powers, territorial Governments, experts and civil society).

3. Suggestions and proposals for the Third Decade.

V. Organization of the seminar

7. The following provisions will govern the organization of the seminar:

(a) The seminar will be organized by the Special Committee in accordance with the rules of procedure contained in the annex to the present guidelines;

(b) The seminar will be conducted by a delegation of the Special Committee consisting of the Chair and seven other members representing each of the regional groups within the Special Committee;

(c) The seminar may be attended by the following:

(i) Representatives of Member States;

(ii) Representatives of the host Government;

(iii) Representatives of the administering Powers;

(iv) Representatives of the Non-Self-Governing Territories;

(v) A representative of the Secretary-General;

(vi) Representatives of concerned specialized agencies and other organizations within the United Nations system;

(vii) Representatives of the organizations based in the region and the Non-Self-Governing Territories;

(viii) Experts on Non-Self-Governing Territories.

Annex

Rules of procedure

Preamble

The regional seminar is held under the terms of General Assembly resolution 65/119 of 10 December 2010. The organization of the seminar and the conduct of its proceedings shall follow the general guidelines set out in the rules of procedure of the General Assembly.[a]

Rule 1
Responsibility for conducting the seminar

The seminar shall be organized by the Special Committee and conducted by the Chair of the Special Committee, with the assistance of the Bureau of the seminar (see rule 2 (a) below).

Rule 2
Officers of the seminar

(a) The Chair shall appoint two Vice-Chairs and a Rapporteur of the seminar from among the participating members of the Special Committee. These officers shall be given specific responsibilities by the Chair and shall constitute the Bureau of the seminar.

(b) The Chair shall declare the opening and closing of each meeting of the seminar, direct its discussions, ensure observance of the present rules, accord the right to speak, pose questions and announce decisions.

(c) If the Chair is unable to be present at a meeting or any part thereof, a Vice-Chair shall preside over the meeting.

Rule 3
Secretariat

(a) The secretariat of the Special Committee shall service the seminar.

(b) The secretariat shall be responsible for all necessary arrangements regarding the organization of the seminar.

Rule 4
Languages

The working language of the seminar shall be English.

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[a] A/520/Rev.17.

Rule 5
Conduct of business

(a) Decisions shall, as a rule, be taken by consensus. Should a vote be required, only representatives of the Special Committee attending the seminar shall be entitled to vote.

(b) Any procedural question with regard to the conduct of business of the seminar not covered by the present rules shall be decided upon by the Chair in consultation with the Bureau of the seminar.

Rule 6
Participation in the seminar

Participation in the seminar shall be restricted to the persons to whom formal invitations have been addressed by the Chair of the Special Committee in accordance with the related decision of the General Assembly[b] and whose names appear on the official list of participants drawn up by the Chair.

Rule 7
Debates and publicity concerning the seminar

(a) The meetings of the seminar shall be held in public unless the Chair decides that exceptional circumstances require that a meeting be held in private.

(b) Statements to the information media shall be made by the Chair. The Department of Public Information of the Secretariat shall be responsible for the dissemination of information on the seminar, including the issuance of press releases covering meetings of the seminar held in public.

(c) Participating organizations shall be represented by the person so invited (see rule 6 above), who may make one general statement on issues within the purview of the Committee's mandate and pertaining to those Territories under its consideration during the course of the seminar.

(d) The Chair may limit the time to be allowed to each speaker.

(e) During the course of the discussion, the Chair, with the consent of the seminar, may declare the list of speakers closed. When there are no speakers, the Chair shall, with the consent of the seminar, declare the debate closed.

Rule 8
Records

The seminar shall have sound recordings of its proceedings, which shall be retained in the archives of the United Nations in accordance with established practice.

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[b] See A/56/61, annex, para. 22 (c).

Rule 9
Report

The Rapporteur of the seminar shall prepare the draft report on the proceedings of the seminar. Members of the Special Committee who participate in the seminar will provide conclusions and recommendations to the Special Committee for consideration at its substantive session.